

**SPECIAL MEETING  
CHARTER COMMISSION HEARING**

**January 22, 2003**

**5:00 PM**

Chairman Dykstra called the meeting to order.

Chairman Dykstra called for the Pledge of Allegiance; this function being led by Commission Tessier.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Commissioners Leona Dykstra, Bob Shaw, Donna Soucy, Brad Cook, Patrick Duffy, Keith Hirschmann, Leo Pepino, Nancy Tessier, Michael Wihby

Chairman Dykstra advised that the first purpose of the meeting is to receive comments from current and former Mayors and Aldermen, City employees and union representatives regarding proposed changes to the City Charter; that anyone wishing to speak come forward to the nearest microphone, clearly state their name and department when recognized, and give their comments.

Joseph Levasseur, former Alderman, stated:

Thank you very much. Again, I'd like to thank this committee for having another public hearing and for giving your considerable time to this Charter. I know it takes a lot to do what you're doing. I've got a bunch of things I'd like to speak about, but I don't want to stay too long, but this idea of raises is kind of a laugh. I think \$16,000 to be an Alderman and \$12,000 to be a School Board official is just outrageous. When I ran for Alderman, I didn't even know I was getting paid for the job. I don't know that we got paid, and I didn't know that we got health insurance. I'd like you to reconsider that very much. I don't even believe that, I mean State Reps get paid \$100 a year and to be paid \$5000 to be an Alderman with health insurance, I think, is too much. As far as the \$92,000 salary for Mayor, I believe that's a little bit high, but I would like to see an increase for the Mayor. I think that the Mayor's position does deserve an increase, but the proposal that was put on the table, I think is crazy. I mean, I don't know how many Mayors could get to 13 years to \$134,000 anyway, but I think that kind of money is just outrageous, and I hope that you will consider that very strongly when you deliberate because obviously this Charter is going to be in effect for at least ten years. I would also like you to concentrate on a recall vote. I think

there's been issues in the City of Manchester that there may have been times when certain individuals who are in political office have abused their power. I won't mention any names, but I think that a recall vote would be something that should come under the authority of the Aldermanic Board for, just in case. It's just something that I think should be there. Maybe some times it's not good to wait two years to have the voters come in and vote again to get somebody out of office. I really to say that I think you already know, I'm definitely against the at large positions. I don't believe the at large positions really are necessary. I still believe that the Alderman from the ward is supposed to do their work. The check and balance is with the Mayor's office. If a person is not getting along with the Alderman in the ward, they can always go to the Mayor's office for the service that they're requesting or asking for. I also would like to see partisan elections. I think that is something that is necessary. I think people should know which party they're voting for or which person they're voting for, but I think a lot of people are separated by party, and we have non-partisan elections throughout the state, and I don't see why we should not continue in that way here in the City of Manchester. Again, thank you very much for your time and thank you for serving the City of Manchester.

Deputy Clerk Johnson stated before proceeding with the rest of the list, I just wanted to make notation and we are distributing...there was a letter received from Mayor Baines. He had a scheduling conflict. He is in Washington, and he requested time with the Committee, and we have scheduled him to appear before the school discussion at the next public hearing which is when he will be back into town which is next week.

Diane Guimond, Deputy Welfare Commissioner, stated:

I'm here to talk about the Welfare Commissioner position, and I'd like it to remain an elected position, and I have a signed letter from all the employees stating that, but before I read that letter, I'd like—and I have one for everybody, a copy for everybody that I will distribute—but before I do that, I'd like to talk about Paul for a minute. He's not here. He's not...doesn't know I'm here. We've talked about appointed, elected many times inside in the office, and he is vehement that it stays an elected position. I wish respectfully that maybe he have an opportunity to speak to you at some other time. He is doing much much better. He is doing much much better. He was taken out of the critical care unit today, so we're really thrilled about that and hope that he's back with us soon, cause we miss him. He's been very instrumental in making some significant changes to the office, and they're all very good, so, but my concern is I want it to remain elected, but I really would like to see some changes made in that there is consideration towards the employees, some way in which to protect the employees and also to protect uncontrollable spending and abuse of power. I've been with the Department for 13 years, and my concern is not with Paul, and he's not here to speak for himself,

but my concern is when he retires in six or seven years and that you know somebody else is elected or appointed and that there is no protection. We've witnessed what the past was like, and I just don't want to go back there. It's been a good year, so let me read this to you.

“What we have come to learn in the Welfare Department is that as an elected official, the Welfare Commissioner can best serve the City residents and taxpayers by being given the flexibility to enforce the law without political influences.

Initially, the welfare staff had proposed that the position be accountable to the Board of Mayor and Aldermen. Our concerns came about as a result of past treatment of employees and disregard for New Hampshire Statute RSA165, which governs our office.

The staff of the Welfare Department respectfully requests that the Welfare Commissioner remain an elected position. The equitable solution is to add provisions in the Charter establishing employee grievance procedures and protection against uncontrollable spending of taxpayers' dollars.”

S/Diane L. Guimond

Gene Mackie

Daniel G. Maillet

Denise J. Syrek

Charleen Parsons

Kate Ricketson

Carol Jacques-Dow

Sandra Searles

Tina Farias

The letter was distributed to all members of the Commission.

Commissioner Cook stated the Welfare Department is a relatively large Department as are several others. What would...why is it different as a Department from say the Highway Department, the Finance Department, the Water Works, none of which have elective heads?

Deputy Commissioner Guimond responded well, I think that's an excellent question. I think the, as an elected official versus a department head and I've..let me tell you, I've debated that in my own head, so I think as an elected official, the person who is elected, there, for example, let me give you an example. This week we had situations that arose in our office, and we made strong decisions based on RSA165, and we did receive many calls from elected officials, concerned people,

and Paul stayed right on task. He said, the law is this. He took a hard line on it, and I agreed with him after being with the Department 13 years that his decision was the right one. In fact, we discussed it and because he's elected, he had the power to do that. He could stand strong on that and not be influenced by other people. That's one instance where that works. If it were an appointed position, my concerns are favoritisms, that somebody be appointed because they are a friend versus because they have the knowledge to do the job, an understanding of the law and also the social pieces, components of how to take care of the indigent population of the City, and it's not just the indigent population because any of us...all of us sitting here today can be on the other side of our desk. There's nobody free from welfare, and my 13 years being in the position, let me...you know, I've seen, and I don't like to use this term, but you know, the drunks and the drug addicts...they're there. The single moms, they're there, but they're not the people we see today. We see people who are working, hard working, two and three jobs that can't make it with the economy being what it is, so we're forced to make...because of also we have to weigh the taxpayers and you know the people, the ones that we're caring for. It's always a constant internal struggle within the law, and it allows him to be flexible that way.

Commissioner Cook stated yes, thank you, that was helpful. I went through this debate the last time we had a Charter Commission, and we came out with an elected Welfare Commissioner, so I'm not aiming anywhere. I'm just trying to develop some ideas. When you say the position is less political when it's elected, that might sound a little incongruous because an elected position is by definition political. Whether it's partisan or not, it's political, cause that's an election. Isn't it possible that in an elected Welfare Commissioner system which I don't think too many other communities have, very frankly.

Deputy Commissioner Guimond interjected no, I think we're the only ones.

Commissioner Cook stated that's what I think too. But isn't it possible that a totally unqualified person could, not has certainly, I'm not reflecting anybody that's been elected, but could be elected Welfare Commissioner and then you employees would have a worse situation on your hands than you can imagine?

Deputy Commissioner Guimond stated I agree which is why I'm asking that you implement some kind of provisions in the Charter to protect that from happening, protect the employees and also if the employees feel that we have somebody who's leading us and who is not abiding by the law then there's a provision by which we can come before the Board of Aldermen or the Mayor or someplace to say that this is going on.

Commissioner Cook stated but in any Charter system, and this is going to have a question mark at the end, in any Charter system with appointed Department heads, there's a mechanism for removal of the Department heads. When you have an elected official, to try to then say, the Board of Mayor and Aldermen who are elected officials should have the power along with the Mayor who is an elected official to remove another elected official, I think we've seen the difficulty in that circumstance and so I understand both of the points you made which are you want protection against incompetence if you will, but you also think it should be an elected position, and I was trying to figure out how we do both of those.

Deputy Commissioner Guimond responded well, I think, hopefully this will help. If the position remains elected, whoever the Commissioner may be has that flexibility to make decisions. My fear is, as the Deputy or as an employee in that Department, my fear is that somebody is going to come along and say look, I want that person taken care of. I don't care about the law. I want it done, and I want it today. And, this is tough times, and you know, I'm going to do a show next month on homelessness. Paul wanted to do it, but it looks like tag, I'm it which is fine. We were going to do it together, so, but homelessness is there. The economy is horrible. The working class is struggling in our community. Housing is horrible, and so we want to work and help the people who are eligible under the law, and those that are not eligible that we can make those decisions, and somebody doesn't come along and say, "You're going to do this." For example, there's in today's paper, there's talk about changing the residency. Paul was trying to get this changed, and Elliot Barry is arguing the point that it shouldn't be changed, but that there should be some adjustments to it, and you know, Paul's right. If somebody walks in our town, it doesn't matter where they are from, Massachusetts, Connecticut, Kentucky or even from Hooksett or wherever, we're responsible for them, but if somebody is actually from Hooksett, we want the ability to return them to Hooksett, so that the other towns are picking up the pieces. Right now, but the problem we're having is the law says that after 30 days, they're ours if they're in our community, and they walk into our office and ask for assistance. And what we're finding is kind of a reverse dumping, if I may say that word, by other communities in that they're putting them in a hotel because there's no housing in this state or certainly not in the southern part of the state and central part, and they're putting them in hotels, and the City of Manchester after 30 days picks up the tab. We had an incident from a local community, we ended up picking up an \$8500 tab because of just that incident. They were, their resources were in the other community. Their doctors were in the other community. They lost housing in the other community, because of the cost, and that community put them in Manchester, first in a hotel, and then in an apartment that was more expensive than what they were paying for within their own community. They didn't want to be in Manchester. They didn't have any...they didn't want to change doctors, and they didn't want to change pharmacies or

therapists and all of that, so we picked up not only the expense of their medical and their housing. We also picked up the transportation cost to get them back to that community. I mean, we've got to be able to...I think I've gone off the track here a bit, and I'm sorry, but I hope that helps. I don't know.

Commissioner Hirschmann stated briefly, section 5.19 of the Charter talks about qualifications for office. If you'd like it to remain elected, the only qualification to become a Welfare Commissioner is that you're a registered voter and you lived here for a year. Is there something you'd be willing to put in writing that you want to see future Welfare Commissioners have as qualifications?

Deputy Commissioner Guimond responded yeah, I would. I'm not sure how we can do that if we keep it as an elected official because there certainly is, you're right. They don't have to have any qualifications, but I think if we just ask for somebody...I mean Paul is not, I mean he's not, he read law. He understood the law. He understood the...he went to municipality association meetings. He did an awful lot of work prior to his election, so he came at us qualified. He believes he was qualified. He had educational background, business. What he did when he came into the office is utilize the gifts that the employees brought. He's a great leader, and that's what he's doing. He's leading that Department, so how do we do that? I don't know. I guess that's going to be your...

Commissioner Hirschmann stated so, you don't know that. I just want to follow up on one thing. Over the past 20 odd years, I think we've had excellent Welfare Commissioners, from Emile Beaulieu, Leo Bernier, Susan Lafond for many years was an excellent Commissioner, and I think Paul is really off to a great start from all accounts. So all these people having experience and gained it by getting elected, your fear is that someone bad could go into that Department?

Deputy Commissioner Guimond responded yes.

Commissioner Hirschmann stated so maybe the recall provision, if we considered that as a body to protect the Welfare Department, if someone went into the Welfare Department and did injustice, there was a recall provision on the books, that might be worth talking about?

Chairman Dykstra stated, Diane, if I could just mention, you're talking about qualifications for City Welfare. As you know, we have a lot of elected officials here. We have the Mayor. We have Aldermen. We have County Attorneys, we have Register of Deeds. Do you suggest that we make sure that all these people have qualifications before they run for office?

Deputy Commissioner Guimond responded that's a very good question. No, you know, I think people can learn as they go. I'm not against learning as you go. That's what I'm doing here tonight, believe me. It's like "Tag You're It" the last few days, and it's okay. Paul's been a great teacher. I don't know. Those are great questions. We have great Aldermen, I'm pleased with them. I don't have any problem with them. We've had great ones in the past. Do they make mistakes? Absolutely, they're human beings, but with the Welfare Commissioner, there's a huge financial responsibility, and I suppose there is as Aldermen as well, they make huge decisions, but these affect individual lives, the indigent population that may go without food or may be cold on the street on a winter night like tonight.

Chairman Dykstra stated I do appreciate what you're saying, and I certainly can agree to the extent that it might open up a big can of worms or whatever. I mean it could be a problem, but I do understand your concerns. We like to have qualified people in office, but it's the person who gets the most votes that wins.

Deputy Commissioner Guimond responded yeah, but I think that if we can add a provision. Excuse me, I didn't mean to interrupt you, but if we can add a provision in there to somehow, I mean, I mean, if we can be honest here, I mean there was a huge law suit, and the City lost money there, and it should not have happened. I agree with Keith Hirschmann. We had a wonderful person as the Commissioner, and unfortunately things happened that couldn't be somehow resolved. I think that needs to not happen again.

Chairman Dykstra stated I understand. We do understand your concern, and we certainly will address it and take a close look at it.

Deputy Commissioner Guimond responded I appreciate that.

Sylvio Dupuis, former Mayor of Manchester, stated:

Good evening. My name is Sylvio Dupuis, and I am a former Mayor, and I represent at least part of the constituency of 451 Coolidge Avenue. I'm not sure whether it's any broader than that. I'm not sure I represent even my entire household, but I represent myself at any rate, and I want to start out by commending you and complimenting you for first running for the Charter Commission and being willing to put yourselves through that experience. I want to thank you also for allowing this kind of public input because I think it is important to hear the voices of the community and the voices of a lot of the people who have been there, and I'm impressed by the diversity of the members who are on the Commission, that they represent a lot different backgrounds and a lot of different constituencies, and I think that that is very important. I'm going to comment on three or four specific points, and again I express my views are not the

views of anyone else. And I know that we have read things like we're going back to the 83 Charter or the 93 or, I guess my position on that is that it is probably irrelevant and that my position would be that you look at what are the needs of the city. What is the best form of government to serve the city? How do you differentiate between policy making and operations? And where is the break between policy and operations? I've heard some discussion about, you know, I'm not sure as a department head whether I report to the Mayor or I report to the Board or I report to someplace else, and I think it's a part of this process. It's going to be very important to sort out that in some instances, there is more than one accountability. There's operations' accountability from a day-to-day basis in terms of reporting, and then there is a policy accountability to the Board of Mayor and Aldermen, and it is very difficult. Your task is so difficult because you've got a State Charter which still, you know, you've got a State RSA which still represents control of the State by the community. You've got a Charter that you're working very diligently to produce that will respond to the needs of a whole new era of government, and then you have ordinances, and at the end of the process, we as citizens expect that it will have been sorted out, so you have really a very large task. But I think if you think about it in terms of operations and policy, the day-to-day operation of municipal government where in a City like ours absent a city manager, the Mayor is the President and Chief Executive Officer; the Aldermen are his Board of Trustees, and that is a policy relationship that needs to exist. So, the policy is set by the Board of Mayor and Aldermen. It's implemented in an operational way by the department heads, by the Mayor, so the Mayor again has a dual function. At some point, he's sitting as chair of a policy board. When the Aldermen are not there, his responsibility is to see that what they have determined to be the policy of the City is carried out. So I wish you much success in your work. There are three or four areas that I'd like to touch on. I like to be liked by everybody, and I wish I could take a position that everybody would say, "Boy, I entirely agree," so again, they are my views. They may not be consistent always with your thinking, and I'll start with talking about the Aldermen at Large. I've heard that discussed sometimes as an economic issue in that we would save a lot of money if we didn't have Aldermen at Large. It would be difficult to convince me about that. If there are other reasons for not having Aldermen at Large, then that's legitimate. My sense in terms of the Aldermen at Large was that we have a very large city. We run a number of businesses. We run a number of enterprises. We respond to a lot of interests because the interests of South Willow Street are not always the interests of Coolidge Avenue and vice-versa, and my sense of the Aldermen at Large has been that their function and their role is one of oversight and one of communicating, and they have an ability...they have one vote like all of the other Aldermen, but their worry and their concern is less about the tree stumps in Ward 2 and the sewers and the new tennis court or whatever is going to occur. They can take a more global view. I happen to believe that that represents a significant investment in the city, and that



again, as I hold that as a personal view, and I would suspect that the numbers of dollars, if it's economic, that you would save if you eliminated those two positions would probably fill a quarter time of a position in City government. So, I do not accept the economic argument. People have a right to their point of view, and if there is a sense that they are superfluous, that they don't function properly, that they not the kinds of intervenors then they ought to be, then you would take a look at it, but my just personal view is that the more eyes and ears are out there listening to the community and communicating with the community, the better off we're going to be as a community. The second issue is an issue of tax cap, and a tax cap may work well in a deflated economy or in a flat economy, but if you get back to the seventies that I remember with ten, twelve, fourteen percent inflation, a tax cap does not work. I think that we have elections every two years, and our Aldermen and our Mayor stand up for election based on their actions, based on the policies that they have implemented, based on the work that they have done. And if we as a citizenry believe that the taxes are too high or runaway or that the budgets have not been appropriately set and managed, we have an option to make those kinds of changes. And I, you know, I was a Mayor that talked more in terms of raising the bridge than lowering the stream. And our City is not at a dead end. We've not used up our capacity. We've had some incredible growth if you just look at us in five-year increments, and we all go through some very challenging times, but I think that setting a tax cap would make it certainly for me a lot, much less attractive to number one run for office whether Mayor or member of the Board of Aldermen. So I think that we need as citizens to exercise the control, but our vote in a municipal election is in fact that level of control. And if you pass a tax cap, I don't know what the right number is. It is probably two and a half in this economy. In 1974, it probably would have been 12 percent or 14 percent. So you're subject to the vagaries of the economy, and my sense of it is if you elect the Board of Mayor and Aldermen and they are policy makers, then you need to give them that level of responsibility so that you can then hold them accountable at election time. I had made a comment earlier about clarification of duties and responsibilities. I think that that's very important in terms of department heads and commissions. I don't have strong feelings about strong commissions or weak commissions. We used to talk about, you know, strong Mayor versus weak Mayor, and at that time, I said a Mayor who's got eight votes is a very strong Mayor, and a Mayor who has six votes is not a strong Mayor. So in working with the Commissions, I think it is establishing good communication, is looking at the qualifications of the Commissioners that we appoint and have serve, but I think the President and CEO of the corporation has got to be able to hold his departmental people accountable. And whether you do that with weakening Commissions and making the Mayor stronger or making the Commissions stronger and vice versa, the bottom line result is that the Mayor has got to be able to direct the day-go-day activities of his department heads because he's the President of the corporation. So I think that you may want to look—and I know it's not private, it's public

knowledge—that Kevin Clougherty has said many times, “I’m not sure that I work for the Mayor, you know, under the State RSA that says so and so and so and so.” You need to clarify that, cause we need to know who the Finance Officer reports to. When I talk about dual functions and responsibility, I think I’m talking about the issue of administratively, people have got to report to the Mayor who is the Chief Administrative Officer. And from a policy standpoint, it does not preclude department heads having responsibilities vis-à-vis the Board, but you got to separate what is policy, and what is operations. So, that part, I look also at the salary of the Mayor, and I know that that is always a very sensitive issue. There are feelings on both sides. I think that the City of Manchester has been very fortunate in terms of the caliber of people that have run for Mayor. I’m not sure whether that would change if the Mayor’s salary was set substantially higher, but I do know that there are people who would think about it. And I was told once, you know, what a great honor it was to be Mayor, and I said to that person, “Have you ever tried to feed your children and your family a bowl of honor for dinner?” It doesn’t work, so with honor goes compensation. And I don’t know what the right number is. I know that in the private sector that the President and CEO has the highest level of compensation within that organization. I’ve heard people say about the Mayor, well, and Mayor Bob and I were chatting a little bit before, saying well, the Mayor doesn’t have to have any qualifications except to win the election. I’m not sure that I totally agree with that because he or she has got to have something to offer to the community to get elected. But I think that the position of the Mayor in terms of salary needs to be looked at in terms of amount of compensation, and at the last Charter Commission, I testified that there should be a mechanism where there are increases that are granted, literally automatically. And that it doesn’t take six or eight years of a Charter Commission to raise a salary. Now, I recognize that the Board of Mayor and Aldermen can raise the Mayor’s salary. That’s a very difficult step politically. And if you had something that said, “Look, we are going to set the Mayor’s salary at 2003 at this level” and when the non-organized employees, usually have bargaining sessions that erect the employees who are in bargaining units get an increase, and then there’s an increase that is then passed on to the non-organized and non-union employees, if you had something written that said that when that increase is given that the Mayor as the present CEO is going to get the same increase. It would not be a political hot potato, but it would be built into the system, and if we think that we can continue to attract the quality of people that we want in saying that’s the salary and that’s it, you know, eight years from now, we’ll have another Charter Commission or seven years from now we’ll have another Charter Commission and you’ll have a crack at a salary increase, I don’t think that that’s good business for the city. As I say, I think we’ve been very fortunate in the caliber of people that have run, but I would suspect that there are a number of other people out there in the community that might give it consideration if the salary was commensurate with the level and degree of responsibility that that’s implied there. So again, I

want to thank you for this opportunity. I know that you have a very challenging task, and at the end of the day, it isn't again the 83 Charter, the 93 Charter, it is a document that will allow your elected and appointed officials to do their job on behalf of the City of Manchester in the most cost-effective way.

Commissioner Cook stated yes, thank you. I'm going to ask all the former Mayors the same question, so don't think I'm picking on you. One of the roles that the Mayor has is, of course this is tipping off the other two, but one of the roles the Mayor has is Chairman of the School Board and that, some people argue, is incongruous, and some people argue...one former Mayor I know argues that's the only good part of the job. So what's your opinion on whether the Mayor should be an active participating Chairman of the School Board?

Mayor Dupuis responded I think he needs to be very active in participation because if you look at the economic piece of that to the City of Manchester and how much of the City's resources are expended there and to kind of ignore that and say, "Well, when they're ready, they'll send me the budget and we'll, we'll work on it," I don't think is workable. I think...I guess from my perspective is I had one member of the School Board who gave me gold stars, you know, when I went to the meeting, and I started out getting a lot of them, and a little bit on into the process, I didn't make as many meetings. So I think that the notion of having a Vice Chair who is in effect the Chair works if the Mayor's position is honorary, but I think for the Mayor to chair the School Board on a regular basis and be effective at it, I think is probably expecting more than can really be accomplished.

Commissioner Duffy stated in your position here in the City, not just as former Mayor but also in a number of other, serving a number of non-profit Boards and one thing or another, the question about, as you raised the additional members or At Large members in the Aldermanic Board and the School Committee comes into play. One of the issues that as you raised and was addressed by a former, by testimony that we heard this evening was the whole question about pay for positions, the elected positions of Aldermen. What's your feeling in terms of whether the appropriateness of that number one and secondly if that does make a difference in terms of whether or not we have the additional members on the Aldermanic Board or on the School Committee Board for that matter?

Mayor Dupuis responded I'm probably not going to give you a very good answer, cause I haven't spent a lot of time thinking about it, but I do recognize that Aldermen and School Department members have jobs and have outside careers and this is supplemental, so this is not their income or their means of living or their means of support. So I think there ought to be some recognition for the time that they spend, but I honestly do not have a strong feeling about the number. I

think there needs to be some level of compensation, but I would hope that it does not reach a level where people now think that this is going to be their full-time job.

Commission Duffy asked do you think in any way that influences whether or not a person would run for Alderman, just as you've mentioned a comment about a person running for Mayor could be influenced by the salary?

Mayor Dupuis responded it might, but I think I've tried to make that distinction that people who run for Alderman and School Board, I don't think are looking to support their family by serving on the Board because if they wanted a job for compensation and put in as many hours, they could find much more rewarding work, so there is a community service aspect to that. The Mayor is, as President and CEO, it's a full-time job, gives up whatever career opportunities...I mean, I sold my practice, and that was pretty final, you know, and back then, Mayors had been more part-time, and I remember saying my little one-liners that "a full-time Mayor for a full-time job", and I never went back to the office. So there's a different level of commitment as the Mayor than there is in serving on Aldermanic Board or School Board.

Commissioner Soucy asked, Mayor Dupuis, you talked about looking at the salary issue as one of the possible attractions for someone running for citywide office such as Mayor. Do you have any feelings on whether extending the term to a four-year term, specifically for the Mayor's office, would make a difference or would be an improvement?

Mayor Dupuis responded I think as long as you know, we continue to have at the State level and at the local level, the theory obviously being is that it keeps your feet to the fire and doesn't let you, you know, get complacent about the job or about the position. So I think it works well that way, and I know very few Mayors who've been elected to only one term. There's kind of a sense that they've just gotten started, let's, let's give them a chance. And you said something about, that I think is important, you said something that the salary would attract, you know, someone, and if someone is doing again simply for the salary, I don't think that that's the right reason, and it shouldn't be set at the level where it looks like a plum. But it should be something that allows an executive at the private sector or an attorney or someone in a professional field the ability to support his family during that period of time, and that the gap between his current income and projected income as the Mayor is so great that he simply can't afford it. That's a delicate balance, but you need to separate it out from Bob Shaw and Syl Dupuis and anybody else. You need to say, "When we are looking to elect a person, we're looking for someone to run a two hundred plus million dollar business." And, you know, sometimes you would say, my qualification is would I hire him or her to run my two hundred million dollar business, and so I think you need to kind

of look at that, at what you're looking at and divorce it from the personality but say, I've heard people say again that, well, you know if we had a City Manager, he would be a professional, and he'd have to get paid at a much higher level, and we don't make the connection that the Mayor is in fact the City Manager in a strong Mayor form or government which I ardently support. So I think you have to look at that. You can't just go, I don't believe from one fell swoop to the other. You may have to look at increments in terms of the compensation to bring it to the level that you want to bring it, and then to have an automatic increment that will sustain it. But I really think that that needs to be looked at and not in a political arena that every two years, the Aldermen have got to vote. I mean, we were talking about Paul Martineau. I remember his father voting me a five thousand dollar raise in the middle of the election campaign, and I said no, it was not the appropriate time to be talking about raises and salaries and things, so you got to divorce it as much as you can from the political process, and make it part of the organization of City government.

Commissioner Pepino stated, Your Honor, you were making the statement again, the old, old statement that says if we pay more to the Mayor, we will get a different caliber of people. We will get more people running. Well, when they changed it the \$68,000, they still got the same politicians all the time. It'll never change no matter how much it is. And getting back to your tax cap, could you favor a tax cap with an escape clause?

Mayor Dupuis responded I haven't thought a lot about it, but my short answer is no, that I still think that the Board of Mayor and Aldermen have got to be accountable to the citizens, and if they don't, are not accountable and I would add as a p.s. that I don't think that people generally are opposed to increases in taxes. They are opposed if they don't understand what's going to happen to their dollars and what, what the benefit is, so I think that we ought to, as a municipality, spend a lot more time saying why things have gone up and what the benefit of that is going to be, so I'm just not a tax cap...(supporter)

Dan O'Neil, Alderman At Large, stated:

Madame Chair, thank you for the opportunity to appear before you this evening. I'll try to be brief. I kind of have listed items as they appear in the Charter, so I apologize in advance if I repeat myself. But the first one has to do with the Aldermen At Large. I think it's worked. I don't buy into this issue of costs. It costs the taxpayers of the City \$10,000 a year. I suppose we could go from twelve wards to six, and we could save money as well, so I think the system has worked. I think those that have served in the At Large position have tried, tried to stay out of ward issues and look at the entire picture of the City of Manchester. One of the things I would ask you to consider is taking a look, and I will mention this in the section with Mayor as well as the Board of School Committee, but taking a look at

four-year terms. I've had the opportunity now to serve both in state government and local government. I've had the opportunity to speak to elected officials from communities not only around New England, but around the Country, and I believe that we, under our current system, we live year to year. There's no opportunity for planning, for vision. It's what's the hot issue of the day, and that's all we do. We're going to fall into it again this coming spring when we do the next municipal budget. It's an election year, and that's all people will be thinking of. I would encourage you to do some research, take a look at what some other communities have done. Some have all four-year terms for their Aldermen or City Councils. Others have a combination of four and two-year terms. I believe it could be implemented by staggering it and phasing it in. If you look at election results over the last 10, 20, or 30 years, most Aldermen chose not to run for re-election. There have been very few that have been voted out of office. I was one at one time, but it doesn't happen all that often in the City of Manchester. People decide to run for other offices or just choose not to run at all, and I'd ask you to do, have some research done on that and see how many actually got beat in office, so there generally is not a lot of turnover for incumbents. I very much believe that the Mayor should be a four-year term. There are very few cities around that have mayors on two-year terms. Again, it can be implemented some time down the road. It wouldn't be something for the next election or in a very short time. You could say ten years from now it'll happen or eight years from now. And I do strongly believe with Mayor and would not be opposed with other elected officials to term limits. Many cities have mayors that serve two terms, and then they can't run again, and I don't think there's anything wrong with that. And again, I'd ask you to do some research with regard to what some other cities around the region have done. With regards to departments and department heads, I would just ask you and I'm not saying this doesn't work, but just please allow for flexibility to either add or delete departments. There's a lot of discussion now about consolidation. I don't believe there are any Charter restrictions, but I would ask you just to take a look at that. City officers, I really don't know if there's a need for city officers. Somebody told me that those positions are required under state law. If that's true, then we need to do it. If it isn't, I don't know why we need officers then. With regards to boards and commissions, I really don't have a strong opinion one way or the other, but one of the things is either keep it as it is or if you do decide to recommend increasing their powers and responsibilities, I believe it should be for all commissions. I've read and have heard that there's been talk about certain commissions getting those powers back. I believe if you're going to do it, you should do it for all. With regards to term limits for the commissioners, I don't see a need for it, especially when there is no power for them currently. And I think, as recent happenings with somebody like Bob Jobin who I think served 32-33 years as a Highway Commissioner and it was difficult to see him go. He had his first agenda from those many years ago, very dedicated Commissioner. George Gott was another one at the Highway who had to move

on. I think of people like Bill Varkas who is still in as a Fire Commissioner but long time serving. Fern Gelinis or Ralph Garst at the Police Department, they've been great assets to the City of Manchester, but at some point, the Charter is going to require them to leave those positions. Just on the Board of School Committee, my earlier comments with regards to keeping the At Large members of the Board of School Committee as well as considering four-year terms for the Board of School Committee, again to allow the school district to have some stability and allow some planning. With regards to budgets, I think the current system works pretty well. I think the adoption date by the Board of Mayor and Aldermen of the second Tuesday in June works well. I have been on the Board where we were on calendar years, and I can remember meeting Christmas Eve and New Years Eve. It's not very fun. There's going to be a date, and you need to get your business done. I think it's...I don't see any issue with keeping the Mayor's budget as the fallback budget. With regards to a tax cap, we're elected to do a job. We need to do it. We don't need a tax cap, and I think Mayor Dupuis was correct on his comments. It's our job. Let's do it. With regards to the procurement section, I think again we need to give flexibility to the departments. We run into many issues on an ongoing basis. I think flexibility for how we procure services is important. We have through votes of the Board of Mayor and Aldermen done some design-build finance for the school project that may or may not proceed. We've used the construction management for some, as an alternative method, but there may be other opportunities that flexibility would be important. The issue with regards to, the section with regards to local businesses, if there's a way to strengthen it, I'd encourage that. It's always good to keep business here. I would concur with earlier comments that you need to take a look at the salary of the Mayor and somehow come up with a process where there is an adjustment annually for it. And that's about it, Madame Chair, and I welcome the opportunity to answer any questions that any members of the Commission may have.

Ray Wieczorek, former Mayor of Manchester, stated:

Thank you very much Madame Chair and members of the Commission. Nice to be here and I echo some of the sentiments that were echoed by Sylvio Dupuis. I want to thank you for your service. You know, I was trying to anticipate some of the questions that you might be asking and I did hear some of the questions that you were asking, and I will try to respond to those so that you can probably come up with a fresh question. One of the first things that I've got on my list here is the Mayor's salary, and where does the Mayor go. Well, for eight years I served as Mayor for \$40,000 a year, and I can tell you for sure with a family that you're bringing up that was inadequate and had I not—if I did not have another income, I obviously would not have been able to serve the City. As it was, I did serve for five terms, and under the new Charter which kicked in, which was passed in 1997, and I think it took effect in 1998, so the Mayor then received \$68,000 for the

period 98 and 99, and that's what he currently receives. Now as to what he should receive, I don't know, and I've heard the question asked here by several here—would more money bring better people? In my opinion, no, I don't think it would. I think what a person looks at, and there are a lot of people that perhaps would think about serving the City as Mayor and more importantly than the amount of money that you get paid is the thickness of your skin because the things that you hear in the course of your administration, I mean if they were all true, you'd hate yourself, you know. So, you know, you need to have a person who has got a thick skin who is going to be able to relate and act with all of the other people and organizations that he's going to have to relate to. Not going to be easy. When it comes to two-year or four-year terms, I've often thought about that, and I said well, you know a two-year term is certainly not adequate to try to really get some things done, but a four-year term could be a very long time if somebody's not doing a good job, and I said so, you know, maybe the best thing is to leave it alone at a two-year term. We talked about, and I heard somebody talking about the budget here and I think it was Alderman O'Neil, about the Mayor's budget being used as a fallback budget. I don't agree with that, and the reason I don't agree with that is that the Mayor, when he is preparing his budget, has a lot of soft numbers in there. There are numbers that we don't have yet for our health insurance, numbers we don't have for the County tax, numbers that we don't have for our workers' compensation or other insurances, so the Mayor's budget when it's prepared has a lot of soft numbers in it. Now, if you then were going to say well, we're going to use that as a fallback budget, you would not have a budget that was going to be serving the citizens of the City adequately. So, I think that you have to take a look at that and decide that that is really not the right thing. There has to be something else there that will enable the City to operate profitably and to provide the services that we have to provide. As far as, let's see, elections. I support partisan elections, and the reason I support that is, I'll tell you frankly from my point of view, when we went to non-partisan elections, the elections seemed to me to be more partisan than they ever were, and I've talked to Republicans and I've talked to Democrats, and people said look, if you're embarrassed about the party that you're in, maybe you ought to change parties, because I don't think you ought to run, you shouldn't run from your party. And people know if you're a Republican or a Democrat, so what's the point of hiding behind non-partisanship because it's really not non-partisan. So why don't we call it what it is? I think that would be better. As far as the At Large positions are concerned, I do not support either the Aldermanic or the School Board At Large positions, and it isn't because of economics. I don't think that because we're going to save \$20,000 or \$30,000 is the reason why we should do it. I just think that the more people that you get, the more cumbersome it is to run your government. And you know, we did it with 12. 14, I didn't see that 14 made any contributions to the way the City government was run, either the School Board or the Aldermanic Board. And I would favor us getting back to twelve and maybe



taking a look to see if we could get along with a few less, because as you know, the Mayor, being the Chief Executive Officer, has his Board of Directors that sits right around here with him. And if you take a look to find out if you could operate with fewer, then maybe we would provide better service to our community. And they have to understand what their roles are. Your role is not; we don't have 15 mayors. We have one, but sometimes it gets a little confusing, and everybody likes to think that they are the Mayor, and that's when it becomes very difficult. You have to understand your role. One Mayor, one CEO, and the rest of the people are people involved in making policy. That's the role of the Board. One thing that I've thought about, having served for five terms, we spend an inordinate amount of time working on the budget, and I would hope that at some point, you take a look at two-year budgets because as I looked at it, it appears as though department heads, the Mayor's office, other people that are involved, the Finance Department, it seemed as though we would spend six months out of every year working on budget, and yet there are a lot of very important functions that have to be performed in the various departments. And I think a two-year budget would work, making an adjustment after the first year to see if there's anything that probably should be changed or modified. But I think it would work, and I hope that you take a serious look at that. When it comes to a tax cap, you talk about a tax cap, in 1987 when I first ran, I had hats made "Wieczorek's Tax Cap", and I still have some, if anybody wants one. But I can tell you that in my opinion, a tax cap doesn't work. You know, it would not enable you to bring forth opportunities and take advantage of opportunities that would arise at a time when you're trying to get to fit ten pounds into a five pound casing. It doesn't work. What you need to do is to elect responsible people who are going to be able to run your City government the way you want it to be run, in an efficient economical way. So it would behoove all of the people, when you're voting for Mayor, to take a look at that person's credentials and the same with the Board of Directors, the Aldermen that you elect, School Board members that you elect, to make sure that these are people that you would agree with philosophically, that these are the people that are going to be going in the direction that you would like to go in. If that happens, then I think you'd find you'd get a better quality of candidate because I can tell you, you know, people talk about well, they get elected time after time after time. They get elected because of name recognition. It isn't, you know, you might have a person that's perfectly able and willing to serve, but he never gets the opportunity because nobody knows who that person is, and you had what, 90 people? How many people ran for Charter Commission this time? You had a hundred and something the last time. You had about 90 or 70, I forget what the number is, but I'm sure there were a lot of very able and qualified people in that group. They don't get elected because you got to get your message out, you know, as to what it is you want to do. This group, you're here to listen to people and try to come up with a Charter that's going to be workable because that is going to be our governing document. Let's see, I think, budget, tax cap, nope. That's

primarily the things that I had on my list, and as I said, I've had a very good opportunity to take a look at City government for ten terms [years]. There is one more thing I think of, and that is the thing with the Commissions. I would like to leave that the way it is. I've served under both. I was there serving under the old Charter when I first took office, and that's what we called a weak form, and then when the new Charter was passed, we went to a strong form. I could tell you which, in my opinion, is more effective. The strong form is more effective because you now have direct communication with all of your department heads. In my role as the Mayor, was to try to find the very best people that I could find to serve in those positions, and then let them do their job, and not become a micromanager. Some people have a tendency to do that, but you don't want to micromanage. If you have good people, you don't have to micromanage. That's your team. You put your team together, and I would not be in favor of again inserting commissions in between because if we do that, we are back to the weak form of government, and I don't think that serves this community very well. I want to thank all of you for the opportunity to allow me to speak, again, and if you have any questions, I'd be very happy to answer them.

Commissioner Cook stated, I promised, do you think the Mayor should be the Chairman of the School Board on an active basis?

Mayor Wieczorek responded, well, you know Brad, I thought I anticipated all the questions. I guess I didn't write that one down. That was very interesting, because you know there are times that I served and I said, "They must have put that in the Charter to punish the Mayor, and then..."

Commissioner Cook interjected, and sometimes the School Board thought that.

Mayor Wieczorek continued that's right. You're right, but then I said, well, if the Mayor isn't here to hear, you know, what is going on with half the City's budget, then maybe that wouldn't be a good thing, so I would conclude that it's probably a good idea that the Mayor remain Chairman of the School Board.

Commissioner Cook stated on the At Large where your...I know the last Charter Commission didn't make it 14 because 14 was better than 12. It was to try out At Large Aldermen. If we had a Board of Aldermen of 12 of which half were At Large, 10 of which half were At Large, any number, so that you got citywide representation as well local representation, would that be an idea to consider?

Mayor Wieczorek responded I don't think so, and the reason I don't is now you're going to try to get six people that are going to be...you'll have now...you'll be up to seven Mayors again. You went from 15 now, we went to one. Now I want to go back to seven. I don't think that works. Plus, I think you need smaller

groupings for people that are going to represent the various wards. I mean if you were going to divide that in half, you then would be at the point where you would be representing nine or ten thousand people as opposed to 4500 or so that you currently represent in your ward, so I think it is better to have a person serving that particular ward and you know, he'd be more apt to be able to give constituent service than he would if he were inundated with calls from twice as many people.

Commissioner Pepino asked would you favor going back to the old system with the School Board where the Mayor sits as ex officio, and he also has an Alderman with him.

Mayor Wieczorek responded well, how old a system is that because I don't even recall that system?

Commissioner Pepino stated I was his assistant [referring to Mayor Shaw].

Mayor Wieczorek responded oh, you must have volunteered. You know, that's, I don't recall that being in any document.

Commissioner Pepino stated negotiations only, money issues.

Commissioner Shaw added that was negotiations only, though.

Commissioner Pepino stated there was always an Alderman sitting there. Would you agree that that's a good idea again?

Mayor Wieczorek responded listen, I think the more School Board meetings that Aldermen go to, the more informed you're going to be about what's going on. I wouldn't say that you ought to be appointed to go there or forced to go there. If you have an interest in going, you should go, but I don't think I'd want to put that in as a formal item in the Charter.

Commissioner Soucy asked, Council Wieczorek, you talked about the budget numbers that the Mayor presents being soft because of the timing, because state numbers aren't available. Would you recommend that we look at the calendar or change the calendar and push the timeline out for the budget presentation?

Mayor Wieczorek responded well, you know, that really would cut back on the amount of time. You know, I think if you can tighten it up a little bit, that obviously helps, but you don't really get any firm numbers sometimes until May, you know, and right now, the Mayor has to give his budget to the Aldermen, what is it, the first of March or so?

Commissioner Cook interjected the end of March.

Mayor Wieczorek continued you're looking at probably a month and a half before you get some good firm numbers. And sometimes even longer than that. So, that's the part that makes it very difficult.

Commissioner Hirschmann stated, just from the context of the budget Ray, when we used to budget, and we didn't agree, the brakes came on until we could agree to a budget. Now it's the fallback budget. So you agree that you'd rather see a workshop environment where everyone's working towards that number?

Mayor Wieczorek responded well, I've been involved in both, and the fallback budget I think is not for the reasons I explained is not a good budget in my view. The other is no party either, you know when you're sitting there and grappling in the old chambers, and now you'd be doing the same thing in the new chambers here. And then you've got all these little meetings that are going on all over. You know, it's...everybody's negotiating a little bit for a little of something that they want, and so you say well, we got to put a little bit of everything in there, so we can make everybody happy, and you know this is the fundamental difference between a business and government in the way they operate. Businesses do whatever they have to do in order to survive. Government doesn't do that. Government's always got somebody that's a pal of somebody's and you say, "Well, you can't change that. You can't add that. You can't put that together. You can't combine those." Because we've got politics involved, and that's the reason why government is really as expensive as it is because of the politics, not because of good business sense.

Commissioner Tessier stated one of the problems in the school district is the tardiness with the June 30th deadline in that it's very difficult for hiring staff and purchasing equipment etcetera, as you know. And it's a...you lose a lot of good people to other school districts, particularly in specialized areas. Could you see any way in put...committing the school budget and locking that in at an earlier date to support this issue that it's become a great handicap for the School District?

Mayor Wieczorek responded I think that makes sense because what you said is absolutely correct is that a lot of very good teachers are gone. You know you talk about getting into the marketplace June first, a good part of them are working. So what you're left with is the best of what's left you try to get. No, I think that that would be a very good idea, is to push that time line up to enable the School Department to be competitive with the other communities that are going to be out hiring teachers too.

Mike Lopez, Alderman At Large, stated:

Good evening, Madame Chairman, Commissioners. I sort of agree with Mayor Sylvio Dupuis's remarks to save some of my remarks from going through and repeating things that he said, but primarily the interest of the City is most important. It's not what—I sat on the same Charter Commission years ago with three or four of you, I think, one, two, three—and I think it's very important. There's a lot of "I wants" out there, "I want to do this and I want to do that". I think working together as Commissioners and listening to the people and doing what's good for the City of Manchester is more important than your own personal viewpoints, and although you'll get into discussions, there is former Mayor Shaw who I admire very much, who was on the Charter Commission before and said many a times, "He made me work, and he made me work hard." Because his ideas are not always the best ideas once you check into a lot of them, and I say that with respect, but he made me work hard on the last Charter Commission, and I respect him for that and I was a better person on the Charter Commission. And Madame Chairman, I remember you and former Alderman Steve Dolman as we went through the process of the last Charter, and as we talk about the Board of Directors, as been mentioned here and both you have said during the process of the last Charter, "You don't know what it is to be an Alderman." Well, I can tell you, I know what it is to be an Alderman, and you were absolutely correct. There's many things that the Aldermen do not do, and I think what I'm really saying is in any part of the Charter to make sure that the word "shall" shall be there, that the person will do it. One of the prime examples is the officers of the City. As we've indicated that under State statute you need these officers. That's the document that we received during the last Charter, and in the City Charter, the ordinances should be adopted for these particular individuals, but I think it has to go farther than that. I believe in the officers because I believe in continuity between the City Clerk, the Finance Officer, and the Assessors, in this particular case under state law. You can add anybody else you want to, but I think it has to be spelled out just exactly who they report to, who they are responsible to, and what they're responsible and duties they have to the Board of Directors. Without that, in my three years now, I can tell you that it's, it's not right. It's a mess, that if we do not spell this out in the Charter as to what their duties are and you expect the Board of Directors to do that, it doesn't happen and it won't happen because of the political atmosphere involved and the contacts of other Aldermen have. One of the other things I think as you look in the Charter, if you go back, since we'll go back to 82 and 92 charter, the Finance Officer and City Clerk, they were part of the budget process, and as you look through the existing Charter, the Mayor selects the people he wants. The Mayor can come in, to me when a Mayor comes in to being Mayor; he already has a staff to that degree, cause it's just not spelled out properly. Back in the old Charter, these people were part of the budget process, and I'm not saying they're not part of the budget process at this time, but they were mandated to be part of the process. So I think you take a look at that

and see if you can clean up that just a little bit better than what it is. I would only add that the Assessors should be part of that process as far as the budget and being that they would be part of the team, and the Mayor can have anybody else. Under Section 2.04 (a), page 148, if you give the Commission authority, I spent 18 years as a Parks and Recreation Commissioner, and as a Commissioner, we were responsible for the total budget of the Parks and Recreation. I do not subscribe to that. You meet once a month, and the department head, and there's too much delay in government where the Mayor can't contact department head or the Board of Mayor and Aldermen cannot have that individual here and ask that individual without going back to the Commission. And so, the only thing, if you keep it advisory, the only thing that I can think of at this present time is allow the Aldermen to appoint some of the advisory Commissioners because it's been said many times, "They have no authority, can't do anything." But in the existing Charter, there's also a provision that the Board of Mayor and Aldermen can give Commissioners duties to do. Example would be—we want the Commissioners, for an example if the Board of Mayor and Aldermen would vote on it, the Commissioners to look at the budget that the department heads submit and whether or not they agree with that budget or not. I mean, but you're not going to get a Board of Directors to do that. I bet my bottom dollar on it, so if, if you want to keep them advisory, and you want to give them some duties to do, I would recommend those two things is that they be part of the process to make a recommendation to the Board of Directors to have input to give a sense of purpose for that. Public meetings. Some of you have already been there as Aldermen, and you know what it's like to sit there and not be able to say anything. I think there ought to be a process, and I don't know what that process is, other than the perceived idea that when people come before the Board of Mayor and Aldermen, it's like whatever they say at this microphone is true. It's perceived by the people out there, well, those people sitting there didn't do anything about it. So, there has to be some type of public input as we always indicate. Maybe a question, maybe some devise, questions could be given at that one particular meeting and then the next meeting, those questions be answered, because that is now, no fault to the City Clerk's or anything, but sometimes you won't get the minutes until a month, two, three months down the road depending how busy they are. So, and sometimes you lose sight of those immediate questions that maybe should come out. There's been a lot said about Aldermen and ward Aldermen. I find myself, and I don't know what the solution is other than to say I would prefer some type of for the entire City, there's a lot of waste in the City as far as I'm concerned because you do have 12 wards, and I respect all the Aldermen I work with, and they're divided...they're there to protect their ward, whatever they need in their ward. But somewhere along the line, I think we missed the big picture of the entire City, and I'm going to give you an example. I think and others think and maybe there might be hundreds of others out there that think there's two major projects in this City besides all we're talking about design and build. There's

Memorial High School. There's Gill Stadium. We could do those two major projects if there was some way to device and say these are the two major projects in the City of Manchester that needs to be done, that's going to affect the community, and we take the existing money and do those things. But as it is now, we divide by 12, and sometimes it takes three, working on the Parks and Recreation for an example as a Commissioner, sometimes it took us five years to do a project, and it costs more money. So I just bring that point out that I think there has to be more priorities in the City as a whole, and what happens now since I've been through one cycle is that the old Alderman is gone, new Alderman comes in and all of a sudden, it's a different shift and different priority. I'm sure that former Alderman Keith Hirschmann knows exactly and Leona and a few others. So I'd just maybe take a look at that. Residency requirement. I tried that in the last Charter. It's against the law, you know that. I have documentation in reference to that, but mainly is, I didn't...I accepted the last Charter Commission and I'll close by this and as I said in the beginning, you expect, and I was convinced that the Board of Directors would make all these decisions, and there are still things not into place as you go through the Charter. So, take a good look at that. If you want the Board or you want the Mayor or want the City Clerk or the officers of the City to do something, please spell it out, what you want them to do. And that's it. I thank you very much.

Commissioner Duffy stated Alderman Lopez; you've referenced Section 2.04, power to delegate authority. Can you site a specific instance when in fact that has occurred during the life of this current Charter?

Alderman Lopez responded it has never occurred.

Commissioner Duffy stated okay. Have you...are you aware of any attempts to have that occur in...by any of the Commissions?

Alderman Lopez responded it has only been attempted in, in conversations with some Aldermen but never been implemented as a Board, and there are some Commissioners out there that had the misconception of not knowing—we all go to understand. First of all, it took, and I don't even think it's taken yet to that degree, when the new Charter came out, it wasn't accepted by the Aldermen. It wasn't. Totally unacceptable, and a lot of the Aldermen even today, even today, are still under the, working under the old Charter. When you tell them that we as a Board can give the power to a Commission if there's a problem over in that Department, we can designate and have that Commission look in and report back to the Board. No, no, we took all the power away from there. They're only advisories. And it's in the Charter. It can be done, but you have to, you have to look at it, and you have to read it instead of thinking of the old way, and that hasn't transpired into all the Aldermen yet.

Chairman Dykstra stated Alderman Lopez, Commissioner Varkas was here, and he said that within the six years, he hasn't gotten any direction or that the Commission has never been asked anything by the Board of Mayor and Aldermen in all those years. And you were mentioning that they should do it, and they can do it. And that's a fact. It's in the Charter, but it doesn't mean it happens. He also mentioned that if they weren't going to have any power that you might as well abolish them. Do you feel that they should be abolished or we should still keep the Commissions?

Alderman Lopez responded I do not feel that they should be abolished. I believe that they have great input. I've served as a Fire Commissioner under the Charter and I was asked questions and dig into things. I never had any problem with the Department Head, and sometimes they took the advice, sometimes they didn't. I believe that Parks and Recreation works. I think more people are there, the eyes and ears. Also, one of the provisions in the existing Charter that the Commissioners don't even know which I brought it to attention of two Commissioners. If they disagree with a department head, and a department head is going in the wrong direction, he's way off base, they have the right to take a vote and give an advisory opinion to the Board of Mayor and Aldermen. That has never been done. So, both sides of the fence.

Commissioner Pepino asked would you still like your Veterans' Day in the Charter.

Alderman Lopez responded oh absolutely. I didn't even think we had to talk about that, you being a World War II veteran, but absolutely, absolutely because I think it's very important for the citizens of Manchester whoever they might be in the future to remember the veterans.

Michael Garrity, Alderman from Ward 9, stated:

Good evening Madame Chair, Commissioners. I just have some brief comments about the proposed tuition agreement, and I believe it's probably in front of you that...a request from the team that did the agreement that School Board members from the surrounding districts serve on the subcommittee level of the Board of School Committee and have voting power. I strongly oppose that. I believe the Charter should remain the same, and a requirement that they be registered voters in the City of Manchester and also residents. I think there's a lot of issues that go with that. What happens if that Committee goes into non-public session or what happens if the MEA contract has something in there for high school teachers, that they want something for the high school teachers? Do they get to vote on that, things of that nature? So, I think it's very important that that provision remains the same. And just one other thing, maybe you guys could put a provision in the Charter for no minor league baseball possibly or something.



Michael Roche, City employee and Union Representative, stated:

Yes, thank you Madame Chair and members of the Commission. Sorry I'm not a former Mayor or a former Alderman or a present Alderman, but yes I am a City employee. Also, Union President in my 22<sup>nd</sup> year, and I'm a Trustee on the Board of ...Retirement Board in my 23<sup>rd</sup> year, so I do wear two hats. I'd like to start off by talking about the retirement system, and a referendum. I know there was discussion about whether they should leave the employees in there by Mr. Pepino two weeks ago. I think it's important that it stays in the Charter even though legally we just got an opinion last month from our legal counsel, and the Supreme Court hasn't ruled on it, but there was a problem, a court case, Barry vs. the City of Manchester in 1998 where the five referendums up to that point in time that went directly on the ballot that weren't first approved from the New Hampshire Legislature were all deemed invalid or, you know, illegal. But I would say or I do recommend that whether it's merging with the New Hampshire Retirement System or just making benefit enhancements that upon approval from the State Legislature that it would come back to the City residents and City employees which number, which are about 75 percent of the work force. And whether you're using the current City Charter or the one from 1983, I would...the retirement system would probably want you to work under the old one because in 1988, it changed that administrative cost under Mayor Shaw would be borne or picked up by the retirement system. And our budget this calendar year is a million, sixty thousand dollars, so we probably want to keep...I mean if you want the City to pay for that million dollars, we're probably...we're looking at...we're down about nine percent or just under eight million dollars in investments from last year. So we could probably use that million dollars. A third thing is wearing my hat as a union President and employee of the Manchester Water Works for almost 31 years, in my opinion, seeing the Manchester Water Works is autonomous, self-sufficient. It is the true, truly the legislative body as far as the budget goes during the different, during the calendar year budget. Their budget does not need the blessing or approval from the Aldermen and never has. And I just think there's an extra step in the process where our contract has to be ratified by the BMA after the Board of Water Commissioners. The Water Commissioners only approve the language, and the economic items have to be approved by the Board of Mayor and Aldermen, and I feel that it shouldn't be that way. They do everything else on their own, and that's one of the things that it holds up the process, and that just changed in the early seventies. Prior to that time, it was the Board of Water Commissioners that approved that approved all raises for the employees. I also feel that all boards and commissions should be stronger. I agree with Mr. Varkas. I don't agree that he lost by 24 votes, cause there was...he came in about 30<sup>th</sup>, but I agree, he's correct that, and I testified in 1984 on this issue. The weather was a lot different. It was July fifth, and it was probably 95 degrees in the shade, but at time, and I was a little disappointed last week where there was only one Commissioner that stepped forward, but back then, the old chambers were loaded with Commissioners and

Department Heads, and it was a power play. It was a power struggle, I should say. I feel that the...by having them with more teeth, that there is more oversight by the Boards and Commissions, cause they are unlike someone else that just appeared, saying that you have to wait, you know, a month, your Boards and Commissions better understand how Departments operate than the Mayor and the Aldermen in most cases. So, you have more oversight and accountability as far as I'm concerned, and I've...you know, the Water Works does have a strong Commission, and I think it works well. I think they all should be like that or like Mr. Varkas stated last week, you should abolish them. Why have people waste their time? If they really, you know, besides giving them a title and a nice name plaque, have them do something. And he was, Mr. Varkas did an excellent job explaining that. Mayor's salary. I think that should be at least \$125,000. He's the CEO, and presently there are several hundred City employees that make more than the Mayor. That is a crying shame. The Mayor's salary should be...he should be at least in the top, you know, three or four employees. More than the Airport Director or at least as much, and more than any other department head that's probably been around 35 years. He has a lot of responsibility with the 24 departments, and to have his salary at \$68,000 is ridiculous. It is totally ridiculous, and I think you probably would get, contrary to other people, that you probably would get I won't say a better quality because we have you know...but you're going to get people that will run not because they owned a gas station or because they had an insurance company or for other reasons, but because they can go and, you know, at that salary, not have to depend on another job or another income. And, I think, that should happen. As far as the Aldermen At Large, I proposed this six years ago, so it's nothing new, but I think there should be six wards and not 12 and that the Aldermen should be full-time, and they should be paid between \$45,000 and \$50,000, should be four-year terms, and they should be all assigned to at least three or four of the City Departments so they really understand and know what's going on, and when they review a 300 page agenda every other week, they truly know and had time to read all the literature that they're voting on, that ultimately cost the taxpayers millions of dollars on many, many projects and improvements. So, I think there should be six Aldermen and six wards, two on the West Side, four East of the river, and School Board, they shouldn't be full time. There should be two from each ward or 12, this current system. Today's article in the paper by the City Clerk I think...I think it's a good thing. The unions would love to see that. If the Aldermen want to take in either salaries, if they don't want the insurance benefit, I can tell you, I've represented the employees for over 21 years, and some of the people are really upset that they don't receive...it's \$13,000 for a family plan presently, including your dental. It's a total of \$13,000 that the City pays out, that if they're covered under their spouse, then they should receive a portion of that. Maybe not the full amount but you know, at least half of that, so the employees would also love that if the Aldermen and people do see fit to approve that. Under standards of conduct, I think, not I

think but I would like to include under immediate family--parents, brothers and sisters. Presently, that's excluded, like they're not part of, you know...your family. It's omitted in Section 9.02, section c as in Charlie. Charter enforcement. There's nothing that provides when the BMA and/or the legal counsel is involved. If you go through the Charter enforcement, if it's in violation, there's nothing, there's no safeguard when they're involved. My union had a situation three years ago, when the Aldermen actually voted, illegally in non-public session, they violated, you know, the Right to Know Law, 91-A, plus you know, Section 273 with the New Hampshire Public Employees Labor Relation Board. The Union went to the PELRB in Concord, won that. The City appealed it. They didn't honor it. The City took us to New Hampshire Supreme Court. We went and won. It was upheld. That's all because the business...it was a tentative contract agreement that essentially was voted against in non-public session. That was a no-no, but there's no safeguard, so Aldermen, you know...the Union having to spend \$4500 on an attorney to prove a point, I could have gone through the Charter enforcement. Number ten, to clarify city ordinances. City ordinances are there depending on who it benefits and what the situation is, they're not for anybody. They don't pertain to any employee that's covered by a collective bargaining agreement, so if that is the case, then they should be rephrased. They should be called non-affiliateds, you know, silent contract or the wording should be different. Case in point, up until Yarger-Decker was concluded three years ago, the...anybody that...you couldn't per the City ordinance receive more than a ten percent increase on a promotion. Now, none of the City contracts had that language, yet it was a City ordinance, yet there were people who went up three to four pay grades—back then, every pay grade was five percent—and, but they couldn't go up more than ten percent. But it wasn't in their contract, so the City, City government, they actually pick and choose what benefits them as far as whether it's covered by a contract or it's a City ordinance. It's a, you know, there's a gray area that should be looked into. I do support partisan elections. I agree with Mayor Wieczorek, and I haven't agreed with him too often when he was Mayor, but he is a...you know, I agree to partisan elections. And last but not least, labor reps should remain part of the Commissions and for the ones that have more than five members which I think I only know of one which would be the Water Works, they probably should look into or they should probably have two and not one. I would...any questions. I'd like to entertain any questions at this time.

Commissioner Pepino stated Mike; there was a part in the old Charter that was put in by the old Building Trades years ago where it said local people, local vendors, local contractors. This last Charter removed it. Do you think that should be put back in this new Charter again?

Mr. Roche responded yes, yes I do. Yes, sir.

Commissioner Pepino stated one other thing. Do you think if we gave the Aldermen \$45,000 or \$50,000 a year, they should have a benefit package?

Mr. Roche responded definitely. They do now. That would be one of the things you'd save on. So for that extra quarter of a million dollars, I think you'd be well served, the taxpayers.

Commissioner Pepino stated when you first started out; you referred to me and something with the Retirement Board. What was that all about?

Mr. Roche responded right. No, you mentioned...I watched your meeting two weeks ago, and talking about...it was...you said it was in there to protect the employees, and I agree with you. I was agreeing with you, Leo. You made that statement. You were talking about well, you people probably don't know it and your exact words is, they're talking about...because your...the...what was introduced was you as a State Rep. Anyway, they're talking about merging into the New Hampshire Retirement System. You talked about that.

Commissioner Pepino stated that was a bill I introduced because certain City employees asked me to. We did not introduce it for the City to the whole State. Then, the City wanted it introduced, certain employees wanted it for themselves and last week, the employees couldn't make their minds up, so I killed the bill Friday. It's dead.

Mr. Roche responded I wasn't aware of that. That's unfortunate.

Emile Beaulieu, former Mayor of Manchester, stated:

Madame Chairman, Commissioners. Another Charter Commission. I wish you well, and I know you're working very hard. I'm going to wear two hats this evening. One was when I was Welfare Commissioner. The young lady, who spoke earlier, I think the Welfare Commissioner should be elected along with the Mayor's position. It's worked well over the years. I don't think you would change much of anything. The only thing I found, when you're elected by the citizens of the City, you're not accountable to the Aldermen, and sometime, it did in the past when I served that certain Aldermen probably wanted a little bit more than what was allowed by the RSA 165, so I feel that elected official would be responsible to the citizens. It's unfortunate that we had the last incident, what happened. I'm not sure how you could correct that, but I don't think you could correct it by changing to an appointed position. As far as the areas she spoke about, welfare, I think you can change the laws, where she was talking about people from various communities. That's a complicated settlement law, so it doesn't really solve anything. As Mayor of the City of Manchester, as far as the

new Charter that you're working with now, as far as the two At Large for School Board and Alderman, I really have no opinion on it. I'm hoping that it has worked. It has helped the other Aldermen from the other 12 wards, to help the Mayor and the Aldermen for their constituents in the City. The Mayor's position I believe should be increased, but I believe somehow it should be worked in automatically where a Mayor who is running or an individual—could be a man or a woman, I know Donna has run and Leona—that's you're not campaigning on a pay raise. That it should be automatic, somehow built in. And this way, whoever runs for office would receive a decent pay. I don't believe a Mayor should receive \$125,000. My first time I ran for Mayor, I took a cut from Welfare Office to run for Mayor for \$25,000, and Mayor Shaw received \$40,000 two years later. But anyway, I don't think you draw a better candidate by raising the salary, but I think somehow it should pay more, and be raised automatically so a candidate is not running on that salary. As far as the strong form of government with the commission, I believe what Mayor Wieczorek was saying that the power should be with the Mayor with the Commissions. I believe the Commissions should have a labor representative in all the Boards. I don't believe you should have two on each because you have five, but I think each one should have a representative whether it be a woman or a man from labor to represent the Boards. I'm trying to remember all the areas that you did cover. I'd be open to questions, and maybe I'll remember some of the things. I know Brad and I have talked about in the past, about some of the changes you were looking at, and I'm trying to remember them all right now, but if you want to ask me some questions, please ask me some questions.

Commissioner Cook stated, Mayor Beaulieu, same question. Should the Mayor remain the Chairman of the School Board?

Mayor Beaulieu responded yes, I think he should. I know I enjoyed being at the meetings. I don't believe he should run meetings because he's always so busy, but I think someone other than the Mayor should run the meetings at the School Board, and then if he's missing, you have a continuity with the person running the meeting should be pretty much the same person as it has been. And I believe also that the elections should be partisan. I think it should be changed. Right now, you say they're non-partisan, but they really are. I think we ought to go back to the partisan elections.

Commissioner Wihby asked, how do you feel, Emile, about a tax cap?

Mayor Beaulieu responded a tax cap, I don't think would work. I think it would put the City in tremendous disadvantage when some problems arose. I think you have the Mayor and Board of Aldermen to work on and keeping the cost of

government affordable. I know it's very difficult, especially with the educational problem we have now, but I don't think a tax cap would solve any problems at all.

Commissioner Pepino asked do you believe a tax cap would work with an escape clause?

Mayor Beaulieu responded no, I think you want to just leave it alone. I don't think you want to fool around with it, in any degree or in any way. Just leave it as it is.

Commissioner Hirschmann stated Mayor Beaulieu; you've had the experience of being a Welfare Commissioner and a Mayor. Just the things that have arose in City government in the past few years, would you think there's a benefit that the Welfare Commissioner should be dotted line responsible to the Mayor in a more direct fashion with some wording in the Charter?

Mayor Beaulieu responded no, I don't, but I believe somehow, I don't how you could build that in as far as protecting the employees that the problem that you've had with the last Commissioner, I'm not sure how you could solve that problem, but maybe somehow you could build that in.

Commissioner Hirschmann stated just to keep going with it, everyone keeps referring to our Mayor as the CEO and the worker and the guy that gets everything done. Now, why wouldn't we want him over the Welfare Department as well if he could be over Frank Thomas who's over the Highway Department? Is there any common sense that why the autonomy is such, so great for the Welfare Department?

Mayor Beaulieu responded no, I think you want to leave it alone because if you...in quite a few instances, you find a Welfare Commissioner draws more votes than the Mayor, so he is responsible to the taxpayers in the job he does, and by having somebody with certain qualifications, not because I didn't have as many qualifications as somebody else, but if somebody is reasonable, that's got common sense...I did start the work program, the first one in 1976, that's still ongoing now, that's being used, and I think being responsible to the taxpayers is the way it should work.

Commissioner Hirschmann stated so a Mayor and a Welfare Commissioner would be on an equal footing in your eyes?

Mayor Beaulieu responded well, they're not equal footing. CEO is still the Mayor, and he is responsible for the budget, and of course, the budget from the Welfare Department does go before the Mayor and Board of Aldermen to be accountable to them for the expenses in the budget.

Commissioner Hirschmann interjected...keep the autonomy.

Mayor Beaulieu responded exactly. Oh, I just want to talk about limited terms. I'm sorry, I forgot about that. I think somehow you want to look at limited terms, and four-year terms, and not succeed yourself. You could start every two years and build in six Aldermen or it would be seven Aldermen, one At Large and six others and the Mayor's position. I know when I was Mayor, when I went to a conference of mayors in the country, they had limited terms like the one in Anchorage, Alaska was two three-year terms, could not succeed yourself, be out one term, and come back in. So, somehow, you might be able to build in seven Aldermen, be of course six, one At Large, School Board the same and stagger every two years so you'd have elections, so this way you'd have a turnover, and I think you'd have some changes in government which might be needed.

Jennie Angell, City employee and also representing the non-affiliated, stated: Thank you Madame Chairman, Commissioners. I have worked with the City for 22 years. I actually ran for Charter Commission. Some of you may have remembered. I'm one of those, was one of those unknown although I think I probably got a lot of support from the people I work with because while this was the first office I had ever been involved with or tried running for, I came in 16<sup>th</sup> out of the 75 which was a fairly good showing. And I think that's because of the support. I also, I'm not affiliated employee, but I frequently act as representator/facilitator for non-affiliated employees who sometime have questions or issues or aren't as willing or easy...feel as comfortable talking to some of the department heads as I might. One of the things I wanted to talk about and I don't have a solution to this problem, but in my employee with the City for 22 years is watching the waste that goes on because of the relationship the City has with the School Department. Being an employee of the Information Systems Department, I work with...I have worked with every City Department for doing projects, and the people who work in the School Department are wonderful people, but I have seen going back, taking notes 20 years ago at meetings, the friction between the two groups, and they are very definitely two groups. With City Departments, when I do projects, we have Departments like the Water Department and EPD, the enterprises who have their own budgets. We work together on projects. We pool resources to make projects happen. We may not get full funding. Water may not get full funding or EPD may not get full funding. We may put money together to complete a project. When it comes to School Departments, I have actually had with the people who actually do the administrative work, we talk to each other as much as possible, but I've actually had employees call me and say, "Please don't tell so and so that I'm calling but what are you doing about this, and how can I get this done?" This is a friction that goes on between School and City, and School has a lot of money in their budget. I

am also a mother of a three-year-old who's going to be going into the school system, and I have questions. I don't have a solution, but just to give you a little background, most of you have heard about all the issues that went on with H.T.E., and when H.T.E. was being implemented and the Superintendent at the time, this goes back two Superintendents, was for H.T.E. The new Superintendent came on board. He was hesitant on H.T.E. It was being forced by a Department here. They didn't want it, and what happened was there was a lot of work. A lot of resources were put in. We came out with a product that was less than desirable because people didn't want it, and it ended up not happening, but it wasted a lot of money. I don't know, I don't have a solution, but this has been going on for the 22 years I've worked. In other communities, schools and cities, they're a community, but I don't feel we are here. Another thing I'd like to bring up, in this year, it's been tough is we do not have a City Manager form of government. We have a strong Mayor, and we have a \$220 million plus budget, and if you think about it, when you get a new Mayor who comes in in January and is expected to come up with a budget that works for 24 departments, that's \$220 million his first time around is not realistic. This year, our budget, we really didn't know what we had for a budget until after...we weren't comfortable with what we had for a budget until after the tax rate was set because we were waiting for people to take money back. And so, you've got this budget, but you can't really spend it because you're not sure if you're going...because we can't overspend our budget, and so it's like do we paint the house this year or do we wait till next year and we let it peel more because we don't know. We really didn't know if more money was going to be taken back. As far as commissions, we don't have a commission, but as much as possible, keep the politics out of running the departments. We have very very good City employees, but it is tough if you get somebody looking over, telling a department head what to do with employees. If you want to...the City hires department heads to do a job, and if they aren't doing the job, they should get rid of the department head, but they should keep the politics out of the hiring and firing of employees. And the last thing I'd like to talk about is the Mayor's salary. The last Charter Commission, when you were there, I was making more than the Mayor. This is a new Charter Commission. I'm about making more than the Mayor. I don't think that's appropriate. I think you should come up with a salary that, and I know there are cities who have 24 year-old mayors or 25 year-old mayors so I'm not trying to count anybody out, but I think in a lot of ways with the experience that people will want for somebody to do this job that they may very well have college age children, and so, if you're going to be paying college bills, you can't...I don't think you can expect to get someone of any caliber who can do it on \$40,000 or \$60,000. So, I think they should be paid an appropriate salary, and I would think if you gave them...indexed it or gave the same cost of living that the City employees are getting every year and just indexed it that way so once you came with a level, it would stay there. It would stay out of politics,



and then you wouldn't be back here again with me making more than the Mayor. Thank you for your time, and I applaud your efforts.

Commissioner Duffy stated I would like to get a sense if I may, Miss Angell, as far as the...you talked about the waste in City government and specifically associated with implementation of information systems and how one can effectively plan for upgrading systems, keeping current and compatibility and one thing or another if in fact you're operating on limited budget or don't know what the budget is going to be long-term.

Ms. Angell responded okay, this is what I do. I'm in charge of network services, and so what we do is we have a plan. We work out a plan. I don't have a booklet that I can show you that's formal plan, but we do have a plan of where we want...what we think we should accomplish in the next two years as far as network expansion, security. This homeland security has added a lot of requirements to us, so we've laid out this plan. I don't have any money. I've got...this is the amount of money I've got for my expansion plan. We've got no money last year. We got no money this year, but there is grant money. There is homeland security money, and what I tell departments, and my joke is I'll take money from anybody who will give it to me. And so we have this plan, and then Police comes up with...they call me and they say, "I've got some grant money to x, y, z," and I take this little piece of this plan. And Fire calls and says, "I have x, y, z. I've got this homeland security," and I take this little piece, and we keep doing this and eventually we put it all together. The last two years, I have gotten no money out of the regular budget for desktop upgrades. The money just has not been there, and they have not...so that's what we do. So we have a plan and then, let's say in the past, Diane Prew has gone to the Board, and has gotten major amounts of money for major upgrades, but as far as maintaining in the last few years, the money has not been available, but we do...we still lay out a plan, and then we take money where we can get it, and we kind of piece it together. And we do pool money. EPD may say I have x amount of money to do this. And a good example, and this is an old example, but when they put the new fire station up on Mammoth Road, and this was back in the days of Doug Aiken, and he came in and he said I need x amount of dollars to run communication cable up to the fire station, and the Board granted him 75 percent of what he asked for. So then he came down to our office and said, "Well, we need to get cable up there. Parks and Rec is right across the street. Do you need to get there? Can you add some money to this pot?" and that's what we did. And so with our money and his money, we were able to get the communication cable where we needed it. Unfortunately, this was the point I was trying to make with the School Department, this does not happen, and I don't know...this cooperation of projects does not happen, and I don't know if there's anything that can be done. I mean, we work with the School Department. I work with Kevin Smith. Equipment that we are no longer using

sometimes goes over there. We talk to each other, but this real cooperation, and it's really the...we have to charge them, and the way it's set up now, it just doesn't happen.

William Shea, Alderman from Ward 7, stated:

Good evening, Madame Chair and members of the Charter Commission. Thank you for allowing people to speak this evening and other evenings. Many of the discussions that have taken place focus on the points that I have, but I'm going to list them anyway. Some agree and some disagree with people that have spoken. I'll begin by Alderman At Large and School Committee At Large. I'm opposed to Alderman At Large and School Committee At Large, and why am I? Because in my judgement, the responsibilities of an elected Alderman focus on providing constituency service. As an Alderman for the last seven years, I have answered 2800 calls. I have spoken to people in other communities that have Aldermen At Large, and their response has been, "You can't find them." That's what they've told me, Waterbury, Ct., and other communities. "You can't find them." Now, why does a constituent call an Alderman? Because they cannot get constituency service. They will call the Highway Department, the Police Department, and other departments, and they don't get the response they need, so they'll call an Alderman, and they'll ask them to call because they have the necessary credentials as it were to get them service. Now, when someone says that Aldermen don't read the agenda, I read all the agendas, and I'm sure other Aldermen read all of the agendas because that's what we're elected to do, and even if sometimes our decisions may differ, as I differ constantly with Aldermen, One and Two particularly but others as well, because we just look at issues in a different way, but we have as much insight into community-wide projects as we do into our own ward. There is no exclusiality of someone being elected an Alderman At Large that gives them credentials to know, expertise in all areas. So, it's a learning process. Now, I'm not criticizing anyone in particular. I...colleagues are on the Board, and I work next to one. I'm criticizing the fact that the process is at fault. There is no specific definition for an Alderman At Large. When Mayor Baines was working on the Commission and coming up the front stairs before the City Hall was renovated, I said to him, "Why are you electing Aldermen At Large?" And he said to me, "Because if Timmy Reiniger in Ward 3 doesn't know too much about industrial or commercial development, then an Alderman At Large will help him." And I said to him, "On what basis are you judging that?" I'm saying that if Timmy Reiniger or any other official doesn't know what they should be doing, then they shouldn't be re-elected. So basically, I would say that an Alderman has an important role, and an Alderman's primary responsibility is to serve constituents, and I differ from the fact of some saying that an Alderman is elected merely on name recognition. An Alderman is usually elected because they provide constituency service. The second point is commissioners. I'm in favor of their present role as advisory to department heads, and why am I? Because the

department head should be able to exercise all duties and responsibility germane to his or her department and not have to be accountable in addition to the Mayor and Board of Aldermen to five appointed commissioners whose agenda might be individually based. That means that a particular department head should report directly to the Mayor who's duly elected. In my judgement, it's working very well as it presently stands. I am in favor of non-partisan elections, and why am I? Because I believe that non-partisan elections afford voters the opportunity to make a political decision predicated upon less political influence of politicians eager to advance their chosen political candidates thereby increasing subsequent political influence on the decision-making of elected officials. In other words, when you make it a partisan election, I believe that certain people are put up by political parties. Money is filtered into that political person's election, and therefore it has an adverse effect upon the quality of a candidate who does not take political contributions as I do not and other political people do not whereas it does tend to, I would say, denigrate the amount of, of power that that particular elected official might have. I'm not saying they're unduly influenced, but there's a certain amount of lobbying that can take place in that regard. I was one of two Aldermen who opposed the pay raise in 1999, the other being Alderman At Large Girard. Because I was elected to serve our community with the financial conditions in place, I think that the proposal floated by the City Clerk would not result in any cost saving as outlined in today's newspaper. If there is a problem with medical benefits being paid to Aldermen or School Committee members, then any Alderman who is receiving benefits should pay more, and I believe that that's really in the best interest of the taxpayers. Being placed on a salary type system would result in more taxpayers' costs, in my opinion. A tax cap. Serious discussions must be conducted with members of our Finance Department, and data received from any community with a tax cap relative to the long and short-term financial implications of incorporating this article into our City Charter. I don't think that it should be dismissed, but I think that because of varying political circumstances and situations, it makes for a delicate balance between how one can provide services to the community on a short and long term basis as it were and still have a cap. I know in reading different newspapers, Groton, Massachusetts has a problem. Down in Massachusetts, the wealthy communities like Wellesley or some other community of that type does not have as much of a problem if they have a tax cap because they're a wealthy community and can raise money, particularly in the education area whereas some other community like Winchester or some other communities in central Massachusetts have a more difficult time. The timing of the Mayor's budget. I don't...it doesn't make much sense in my opinion for a Mayor to submit a budget to the Aldermen in March and then have to change the figures in April or in May because of the information that he needs to get as outlined by previous Mayors. I think that possibly the Mayor would be well to do if he were to submit his budget maybe to the Aldermen in either April or the first part of May. I really don't think that it makes much sense for him to come in

with a budget in March and then say, “Well, this really not a budget that I can justify because I have so many problems with different revenues or with different types of situations as Mayor Wieczorek and other Mayors have indicated.” A two-year budget to me makes a little more sense. I think that many of the department heads, particularly the Finance Office and others, spend a lot of time simply running around justifying figures for a budget, and I think that it would probably make more sense to have a two-year budget, and as Mayor Wieczorek indicated, make adjustments to any budgets that might have serious problems. Kind of plug in different things. And the last is that in making we’ll say different types of changes to the Charter, I think that there has to be a certain amount of caution because I think that if too many items are included, then people have to vote on the entire Charter revision. They can’t vote just up or down on items. They have to either vote to accept it or reject it, and if there are too many changes, some times people say, “Hey, I like ten items, but I don’t like the other four, so I’m not going to go along with it.” And other people might say, “Well, I don’t like four but I like ten or vise-versa”, so these are the kind of concerns that I would think you’ll be faced with, but anyway, that’s my two cents.

Commissioner Pepino stated I agree, we got to study a tax cap. Would you agree on a spending tap?

Alderman Shea responded on a spending cap? Could you kind of define what you mean by a spending cap in terms of...a spending cap in what regard?

Commissioner Pepino stated there are certain expenses you have to spend anyway, that have to be, like bonding, stuff like that, you have to spend that every year, and you have like, new spending.

Alderman Shaw stated to draw a parallel, if our budget is \$220 million, you’re saying we should a cap on how much we should spend the next year, like \$222 or \$224 or something like that?

Commissioner Pepino stated something like that.

Alderman Shea stated I’m not sure if that would be possible because there might be certain problems that come up that you really have no control over, such as we’ll say this year the school budget requires that they be paid 51 times...excuse me, 53 rather than 52 times or whatever. Or you might have something coming up in the retirement that are just unanticipated, so it would probably be difficult to actually say that you could, you could really limit it because I’m not sure how much control you would have over that. I think that maybe you could, you could probably examine that. I’m not saying you shouldn’t, but I don’t know how you...I mean I’m not a financial person to be able to do that, and I’m not sure if

you're including in your spending, we'll say any borrowing that would result in the City having to pay interest. For instance, if you wanted to bond, we'll say, for Singer Park or things like that which are supposedly in my...you know are going to be good economic development projects, then you would have to limit yourself if you have a spending cap because the interest that you have to pay on the loans that you're taking out would result in an increase in the amount of spending, so I would say possibly not. I don't think I would go along with that, no.

Chairman Dykstra asked if the people should be allowed to vote on any kind of bonding of large amounts or large products, say projects like schools or Verizons or any kind of...something really expensive. Do you think that the people should have right to decide whether the City should put themselves into that position of bonding? Like they do at a town meeting, a town meeting form of government? People get out there and vote on bond issues.

Alderman Shea responded I think it's probably a difficult kind of thing because you would always be going back and forth, I think to the community because it would be difficult, we'll say, you know, something comes up like the civic center. So, you know, you did have some sort of a referendum on that. It wasn't binding, but you did have it, but I don't, I don't think I agree that you could do that and then say run the City government the way it could be. I think there'd be too much of a delay in terms of how you would be able to implement that. You know, you would have to be going every three or four months because there are certain projects, whether it's the School Department that wants, you know, the money for the project that they're going through, whether it's Singer Park, whether it's the...maybe something on Bridge and Elm, whether it's something that has to do with the civic center and so forth, so it would be difficult. I don't think so.

Commissioner Hirschmann stated Alderman Shea, in your seven years as an Alderman, you've had frustrations in being an Alderman and not being able to always get your point of view or your way because there are obstacles in the way of the Charter. What department or what area of government, are there any obstacles that you think that we should address in the Charter? Frustrations?

Alderman Shea responded well, I think that the Assessors is a Department that needs to have some sort of looking at. I did oppose the fact of having people coming in and having to plead their case before three members appointed in a sense by the State or sanctioned by the State. I think that it differs when you go to a Zoning Board or a Planning Board meeting where you might be talking about a variance or a special exception as it were, but when you have people, particularly the elderly having to testify similar to what I'm doing now and three people are sitting there, it's threatening, and I think that the process in place now seems to be, in my judgement, a fair process. I think that the people that determine whether or

not a person should receive an abatement is a sound one. I think, however, that there is a...well, let's call it...kind of like in the case in the Assessment Office, the fact that we don't stay on top of different types of building and projects of that sort, I'm not sure if that kind of ties in with the Building Department. I know that there's a lot of people that seemingly follow the law, and if they have to get some addition onto their property or home, they'll come down, and they'll pay a fee in order to get a permit. Others will go and kind of usurp the law, and then somehow or other, they are caught at some time or other, and then they just come down and get a special exception or a variance, and they're kind of not paying the same price that the other person is paying. And I don't think we have as much control over construction and what's going on. I know when people walk different wards, they'll see something up, and it surprises them from time to time because they are not aware of the fact that somebody has been able to do that. So, that's one area. I don't have too many other areas. I find that most of my time on the Board, I've tried to work within my ward and made judgements community-wise, and for the most part, I tend to be an outspoken person at times, but that's the nature of the beast, I guess. You know, what you see if what you get.

Ed Osborne, Alderman from Ward 5, stated;

I thought I'd be the last one, but I guess not. I won't take any more than my five minutes, I promise. Thank you Madame Chair and Commissioners. At the early time when you first had your first meeting, I did pass out the same thing I passed out to you this evening. I guess we all know what it is. It's a lottery system for the hiring of City employees. I don't know the best way to go about this. I rather have questions than just keep on rattling on, but does anybody have a question on this?

Commissioner Cook stated yes, thank you, Alderman Osborne. If a department head is required under the Charter to advertise for positions which they are, and if there's a personnel system which there is, and if the personnel system results in qualified candidates being screened, why is it that the department who is charged with running his department shouldn't be able hire the person that he finds most qualified?

Alderman Osborne responded well, I think after a certain point, after you're qualified, one way or another, whatever your qualifications are, I think what happens after that, it becomes more or less the department head. It's pretty hard to choose a person, being individual yourself to know...he might get along with the department head and he might not, but is he going to get along with the employees? That's another question. God can't pick us, so how can the department head do it?

Commissioner Cook stated but if we, if we charge the department head with successfully administering his department, and believe me, having hired a lot of people in my life, sometimes I did it right...made the right decision. Sometimes, I screwed it up. But, you make a judgement, but we charge our department heads as executives of the department with the responsibility for the performance of the department, and for their judgement, and if there's a list of five candidates, and they're all qualified on paper by somebody, whether it's the Human Resources Department or somebody, however that's done. But the department head would pick one because he thinks that person of the qualified people could help him or her perform their duties that they're charged with doing, I think a lottery system...I know what you're trying to do, you're trying to keep favoritism out of the system, so I'm not against that.

Alderman Osborne interjected I wouldn't say that 100 percent.

Commissioner Cook asked why should we deprive the department head of the judgement that we're charging them with to make the best decision and have to live with the consequences that I think a pure lottery system would do? I'm having trouble with that.

Alderman Osborne responded you have a six month probation period, anyway, so the department head, if he's running his department right, he has the right to get rid of that particular individual and come up with another one, so you know, it's either way. He picks them, and he's got six month's probation. He has to do what he's got to do.

Commissioner Cook stated so he can fix his mistakes or he can fix somebody else's mistakes.

Alderman Osborne stated there's a probation period there for a reason, and if this particular individual doesn't work out, then you can roll the balls again and pick another one. But I think it will get better productivity, that's one thing, by letting the people have a fair shot if they qualify to get a job in the City of Manchester. I think you'll get better productivity. I think you'll get a better outlook with the people of the City, saying, "Well, gee, City government is finally trying to make a change." It's been this way for so many years, I guess Abraham Lincoln was still riding around in his little cart, okay, so it's time for a change, I think. This is the way I feel.

Chairman Dykstra stated Alderman Osborne, I commend what you're basically looking at, but I just wonder how it can work. You could have, wouldn't you agree that you could have three qualified people. But how do you determine equality in qualifications? You have three people that are qualified, but there

could be just one person that is a little more qualified in another area. Do you take these three people with one that's more qualified?

Alderman Osborne responded in other words if a person has a 95 score and one has a 90 and a 93, it doesn't make the guy with 95 better than the guy with 90, okay? That's one thing there. What it becomes really, I think, I don't want to say it this way. It becomes a personality contest. At the end, it becomes a personality...can he get along with me? But what about the other 60 employees? Is he going to get along with them? Is he going to show up to work on time? You know, there's a lot of things you know, which I don't get into and which I don't knock, but basically, this is it. I think the main thing here it's time for a change. It's worth a try. You can always go back the other way, but I think if this was put out to the people, I think you would find this would be a passing thing. It would be an affirmative thing on one of your...on the referendum question, not a negative. If you put negative things like the pay raise for the Mayor, nobody wants that. Nobody wants to give any money. You put pay raises for the Aldermen. People don't want that either, so you're not going to get, you know, if you're going to put something together, you want to put something affirmative in it in order for this to pass because you only get one shot at it, one vote. It's not split up which it probably should be, but it's not.

Commissioner Cook noted one further question. Just a procedural question, it's my understanding, Alderman, that you made this proposal as a proposal for an ordinance before the Aldermen, and they referred it to us, or did you put it before them as a Charter change? I'm just a little confused about that.

Alderman Osborne responded I put before them to have a referendum question. They put it before you people, but I think it belongs with the Board of Mayor and Aldermen between you and I. I don't think it belongs here at all, but it's here, so I'm going to speak a little bit about it. Take it from there.

Chairman Dykstra asked do we have a motion to move it back to the Board of Aldermen.

Alderman Osborne responded yeah, right, I know how you feel. That's exactly the way it is. I understand that. I have no problem with that at all. None whatsoever.

Chairman Dykstra stated we certainly will take a look at it, certainly. Thank you, we appreciate it.

Dave Wihby, Alderman from Ward 1, stated:

Madame Chairman, Commissioners, I want to thank you for giving everybody an opportunity to speak. I was told not to speak because if I did since I proposed the



Charter Commission and the Charter change that there would be a lot of questions, but I'm here to answer any questions. First of all, I want to note that when the last Charter was changed, I was opposed to it. I liked the old Charter better, and when people asked me what I thought about the new Charter, I told them that there was a lot of concerns, and mostly the financial concerns of the budget process. I thought we had a decent budget process before where there was always compromise. We always tried to work it out, and if not, City government would stop, and that made everybody come to the table and try to make a decision, and I think the right decision was made in most cases. The new Charter took that away, and it fell upon...okay, if you don't want to do it my way, I'm just going to veto it. You don't have ten votes. I'm going to have my budget pass anyway. As Mayor Wieczorek noted earlier, there's changes in that budget that happen throughout those two months, so we were looked at a budget that if we really didn't want to okay the Mayor's numbers and I didn't vote for the budget, but some of the Aldermen felt like well, it's better. If we change and use a second budget that the Mayor came up with, it's better than okaying his first budget. So that system doesn't work, and because of that, and because of the increases in the taxes, everybody started talking tax cap, and that's where the tax cap came from. It's because we want to have some controls. I think if you went back to a different way, so that the Mayor's number wasn't the number that was accepted, that maybe you said the year before's number or a certain percentage over the year before's number or something, some number that would force everybody to come back to the table, and I like the old way, but I understand maybe it's illegal, and that's probably a question that has to be asked to the higher-ups. But something that stops us from raising taxes that much and lets the whole Board decide rather than one individual, that would work. So I think that that's got to be looked at, and that was my main concern when I voted against the Charter and told people to vote against the Charter. The other one was non-partisan elections. We're only fooling ourselves by keeping non-partisan elections. It's partisan. You can look in the folders that come out. The Democrats do their thing. The Republicans do their thing, so there's no difference there. That's nothing. We might as well call it what it was and have it back the old way. The At Large positions, no matter what number you use, two years, using the paper's numbers today or Leo Bernier's numbers, there's \$100,000 that's paid for in At Large positions. I don't if they're very effective. I don't want to speak about the At Large Aldermen that are there now, but I know that when I get a constituent call, I answer it, and I don't know of anybody who said to me as far as any Alderman goes, well we couldn't reach that Alderman. We called the At Large Alderman, so I think that that is not something that should be there. I commend the Commission for going back to the old Charter and starting from there, but there are some things in that old Charter that should be changed. I think we should look at the Conduct Board again and strengthen that. The procurement code should be looked at. Make it easier to go through and do things in the City without having to take so long to do them

because time is money. Maybe there should be an automatic provision in there that says every seven years, there's a Charter Commission, so we don't have to have a special election and do all these other things that cost money, but every seven, five years, ten years, whatever it is, it's automatically put on, and people go and vote, and it's done in the right time frame, and so we could do it and accept it. I think that one of the things is, and I've worked hard in my years as an Alderman, we had a question put on the ballot that said that the School Department was a district...that the district was a School Department. And the voters voted for that. They wanted it to be a department, and we were told as Aldermen, as a department, we'd have controls over the School Department. We'd be able to administratively help them out. Now we've had a proposal in front of the School Board to save a half a million dollars administratively, to consolidate H.R. and legal and that type of stuff, and they're not even voting on it. It's still sitting there. They don't even call a meeting of the committee any more, but that type of thing administratively should be done, and it can be done. And I think the voters voted for that already, so that should be strengthened in this new Charter. Two-year terms I think are fine. The boards and commissions, probably the new way that we have it right now...if you said that the commissioners should advise the Aldermen or will advise the Aldermen. I mean, the Aldermen aren't asking for advice, so nobody does anything. Maybe if you told them, that you have to...if you're going to be on that board, you're going to take votes and you're going to tell the Aldermen how the board feels rather than how the department head feels. It doesn't mean that it has to have any footing with the department head, but at least you know how the rest of the commission looks, and you're making them report to the Aldermen if they're going to be on that committee. Other than that, they're useless, you might as well get rid of them, if you're not going to give them some sort of authority so they're going to communicate with the Aldermen. And I guess that's...the main thing I guess is the finance part, the School Board part, and the...anything...I think when people voted for this Charter, I think with the times that we have, they were looking to make cuts. They were looking to save money in their pocketbook, so that means cutting At Large positions. That means saving money wherever you can. That means not raising the salaries of the Mayor, not raising the salaries of the Aldermen, and trying to do whatever you think that you can do in that Charter to make some revisions to be helpful...a tax cap or bringing it back the old way or something different with the finances that saves money, and I think that was the main reason why the voters voted that in, was to save money and to have everybody look at it again. And with that, I don't want to keep you any longer. I'll answer any questions if anybody has anything.

Commissioner Duffy stated Alderman Wihby, just a point of clarification, is it your testimony then that you prefer the old Charter or the new Charter because I've heard you bounce back and forth on this.

Alderman Wihby responded I think there's...I voted against the new Charter, so I prefer the old Charter, but I think there's things in the old Charter that should be changed to include some of the things in the new Charter. So I think it's a good basis to start with the old Charter as was my understanding is that the Board, the Commission voted for that, and to change some of the things in there. Changing the conduct, changing the...what else is in there? The boards and commissions back to some other way rather than putting them full-fledged, but at least having them some kind of advisory role that does report to the Aldermen. The procurement code, things like that nature, and the School Department being a district, being a department. Those types of things should be changed, if you're going to stay with the old one, should be changed.

Commissioner Duffy stated may I follow up then? On the boards and commissions, you're talking as I understand it, having them will advise the Aldermanic Board. In what fashion is that going to alter anything?

Alderman Wihby responded right now, we don't ask them for any information, so even though...I know an instance in the Police Department where I think the Commissioners didn't want the number of deputies that were going to be...that the Chief were asking for, and they felt it was a waste of money and shouldn't be done. The Aldermen never heard that. The Aldermen never knew that the Commission didn't want that because the Chief came and got the okay from the Mayor, and they went ahead and did that. I think maybe if the Aldermen were advised that the Board had voted that they shouldn't do this, then maybe it might have gone a different way, but no one bothered to call the Board up. They assume probably that everything's fine over there, that the Chief's speaking for the Board and because we didn't ask, we were never told. So I think if they're going to be there, they should be advising us. Again, we don't have to listen to them. We might still take the Department Head. They still might have filled the deputy positions, but we would at least know the other side, that the Commission didn't agree with it either.

Commissioner Duffy asked are you aware of any instance under the Charter Section 2.04 where a power to delegate authority has been exercised by the Board of Mayor and Aldermen?

Alderman Wihby asked as far as the commissions?

Commissioner Duffy responded yes, that pertains to boards and commissions.

Alderman Wihby responded no, that's what I'm saying. The Aldermen don't bother to ask, and they probably should be told from the Commission what's going on. If we make them commissioners, they should attend the meetings, and they

should be able to advise the Aldermen what's going on, but what's happening is the Aldermen don't ask.

Commissioner Duffy stated just my last question. Would you agree with the comment that's been made, we've had testimony that either give them some authority or dispose of them?

Alderman Wihby responded yes.

Commissioner Cook stated I've always wanted to have Senator Gatsas here so I could say maybe he could help me with something.

Alderman Wihby interjected I'm not Senator Gatsas.

Commissioner Cook continued I know you're not. Couple of questions. On the proposal, the portion of the proposal that the City Clerk made about pay for Aldermen and School Board members, there are two components. There's both the salary proposal component and the benefits component, and I wonder if you could comment on the provision of both pay and benefits to Aldermen and School Board and whether it's desirable to keep that or get rid of it?

Alderman Wihby asked as far as the new proposal?

Commissioner Cook stated well, the new proposal...I heard you when you said the new proposal...you weren't in favor of raising the pay, but there's another component. Part of that rationale as I understood it was because of the controversy and the disproportionality about some School Board members or Aldermen taking the benefits and pay, what he seemed to be saying, forget the number for a minute is, if that's controversial, make it a similar number for everybody and eliminate the ability to get the benefit.

Alderman Wihby responded that was tried. Overwhelmingly the response was that it shouldn't be done. I think at the time, I don't remember how much it was. I think it was \$11,000 or something. I think it was less than the 16, and if that was in place at the time, probably by now, four years later, whatever it's been, it probably would have saved some money because with the benefits 20 and 25 percent increases every year. But I just again, I don't think that with the economy the way it is, and the charge that this Commission was put in, I think people want to see saving money. I think one of the big things was the Alderman At Large and trying to save money. I think that's what came about, why people supported this, it's to save money. I don't think you should change anything with that and bring it any higher, cause it's going to end up costing money. So I think, people when

they run, they know what it is. I think it stays where it is, and I mean when they run, they know what's there.

Commissioner Cook stated but if we left the pay at the pay and we said they won't get benefits, then wouldn't that eliminate the disproportionality?

Alderman Wihby responded that would eliminate that, and it would save some more money, yes.

Commissioner Cook stated and my other question is and I don't know if you'd come in when Ms. Tessier asked this question, the School budget which is part of the City budget and the timing of the School budget has been problematic vis-à-vis personnel. The State budget law as in many budget laws are aimed at the majority of the communities which are school district or town meeting things and therefore it's a different, a totally different cycle. So in terms of the School budget and knowing when to pink slip teachers, that's April 15<sup>th</sup>, we're just getting going in the budget process on April 15. And the question I guess is is there any way to adjust all or a part of the schedule for the School District part of the budget so that that gets in the same sequence as the rest of the communities, both because of the pink slip law which is unique—and that's a unique law—and also I think Ms. Tessier's point was the pool of applicants is shrunk by the time we know what the budget is and how many people can be hired, so is there a way, and you've got a lot of experience with the budget I know, is there a way to come up with a different schedule for School than there is for City?

Alderman Wihby responded I wouldn't want to see the City part changed because I think that was beneficial to the City, and that's the City part and that's why it was done. At the same time, I mean, you could always change the School to come in earlier. The problem with that is that you're changing it to come in earlier and the City side is going to suffer because the School...you're going to end up having two separate budgets, two different times, and when you do the School budget and you pass that, then you're going to look at the City side and say, "Oop. I gave out too much money. I can't come in with a 20 percent increase. I got to cut the City side." So it seems that it's fairer to do them both at the same time. I would probably talk to Finance. They'd probably say that as far as the City side goes, it's probably better to keep it the way it is now rather than change that earlier. But the School side, I think you'd end up with just two different budgets and a higher budget ultimately.

Commissioner Cook stated and one other question on budgets. On the two-year budget proposal, because in the present Charter it says a two-year budget can be adopted.

Alderman Wihby interjected, stating that should be put in the old Charter.

Commissioner Cook continued, stating and that was permissive, not mandatory. In your experience with the unpredictability of numbers, which is the objection to the by April first budget submission and that being the fallback budget, if that's true of that budget, how do you do a two-year budget process and have two cycles of unsure revenue sources and what not with any kind of certainty? Or what would you do to make it adjustable after the end of the first year?

Alderman Wihby responded again, I don't know what the State laws are. If you could make a two-year...first of all, you'd have to get it okayed by the State. I don't know if they did that yet or not.

Commissioner Cook interjected I think they passed it last year, but it was permissive.

Alderman Wihby continued all right, so you'd have to put it...right now, it's not sitting on the Charter Commission any more because it was taken out because it as in the new one. It's not in the old one, so you'd have to put it back in the old one as you're looking at it now, but there might be a way so that there's a carryover after the first year, so that if you don't spend all your money, you get to use it in the second year of the budget. I don't know if that's possible or not. We've talked about doing that and giving the departments some leeway there so they save their money, and they spend it the second year. It's one budget. I think it's possible that you can do that. You can't do that now because it lapses after one year, and then you need a second budget the second year, but I think it's probably allowable if you had a two-year budget so that if people managed their budget, they could do that the second year. They'd have some money left over. Every year, we predict there's a one- percent or two percent left over anyway that we carry over. We just add it to the number in the budget, but if you could leave it there, probably it gets to be five percent because people know that they're going to get it. They're going to count their pennies the first year and use it the second year.

Commissioner Cook interjected I guess the thrust of my question is with all of the mind boggling changes in funding that's come between the State and the municipalities over the last few years, if there a year when less money was coming than you thought was coming from the State because of school funding money or something like that or conversely a new pot of money was found and more money was coming, what would you use for the adjustment mechanism?

Alderman Wihby responded I imagine you could have it so that if something happened, with a vote of the Board or something, you could open the budget up that second year and look at it again, some sort of a review to look at it that second year and to add into it. You'd have to build it into the system, but I imagine you're able to do that, and probably should do that. You know, one of the things is in talking to people, this Commission, you know, has a lot of authority. I mean, you can make one Alderman, you can make 50 Aldermen, and it also means you can tie the hands of some Aldermen, and that's what you don't want to do. You don't want to make it so that any time we want to do anything, we have to go out...it was suggested maybe go out for bonding and put the question on the ballot. All it does is tie up a lot of time and money, so I think you don't want to tie it tight enough so the Aldermen aren't doing their job. There is election every two years. That's why I'd keep it every two years, and every two years, the voters are going to decide whether or not they want to keep that Alderman in there, so you don't want to tie it too tight that the Aldermen aren't doing or able to do any work. At the same time, you want to have some controls in there, so I think a two-year budget is fine. I think having some provision that it can be opened up for a certain reason is fine, again if it's allowable by State law. I don't know if it is or now, but I assume it probably is.

Commissioner Hirschmann stated David, just advocate, a devil's advocate. Does it make sense, cause it never made sense to me, that the Board of Aldermen approve pay raises for principals and teachers? I mean, doesn't the vested School Board...shouldn't they be taking that up?

Alderman Wihby responded my understanding is that the School Board does take up the raises and pass it on to the Aldermen first, so they okay it first. If they said no, it would never make it to the Aldermen. If they say yes, then it makes it to the Aldermen, so we'd have final control.

Commissioner Hirschmann asked do you like that?

Alderman Wihby responded do I like that? Well, since we're okaying the bottom line of their budget, I think it's fine that we have some control over giving them raises because it's the bottom line that we're okaying, but it certainly does, should go to them. I think it does. Commissioner Cook, it does go there first?

Commissioner Cook responded there's a State law, RSA 273-a that talks about the ratification process for collective bargaining agreements, and it requires the legislative body to ratify after the executive body, the School Board does it, and the Aldermen are the legislative body under that statute which is the reason it comes to you.

Alderman Wihby noted so it does go to the School Board first, and then they okay it up or down, and if they said no, I don't think it would come to us.

Commissioner Shaw stated could I comment on that question, if you don't mind.

Alderman Wihby responded any time, Mayor.

Commissioner Shaw stated but when I was Mayor of the City, you weren't allowed to vote on the school wages. Okay, the legislative body for the teachers and the teachers' salary was the School Board, so the contract that was passed while I was Mayor did not come before the Board of Aldermen. There were many people that wanted it to come before the Board of Aldermen, but it didn't get there, you see. The Mayor of the City of Manchester as Chairman of the School Board signs the contract and I think the Vice-Chairman, might be the Superintendent too. You see, what they do is the whole object of this is to bring it over to you to blame you for the salary increases that they are getting, you see when really it's the School Board's responsibility, at least under our system of government.

Alderman Wihby stated we just try to blame it back on them, but...

Commissioner Shaw stated that's right. That's right, so you never did get to vote during my term.

Bob Shaw, former Mayor of Manchester, stated:

I wanted to take the opportunity to speak because I do have a title, former Mayor of the City of Manchester, and so I have this opportunity over and above my responsibility on the Commission itself, and I'll only a few minutes of your time because this has been a wonderful meeting, except for the last second when I got this...did speak, I didn't take up any of your time by asking my question. I listened, and I found the format, I found the people that came before us to be very articulate, and I especially appreciated the input from the former Mayors of the City of Manchester. In fact, under the old Charter, and one of the things that irritated me the most about the new Charter, and one the reasons I voted against it is under Section 8.03 where there was a process to review the Charter to be done more often, and it required five people, and I had recommended that to one of the Mayors who succeeded me that he form that type of committee, and there happened to be at the time four former Mayors, two Democrats, two Republicans, couldn't have it more even, and the object was to find one other citizen in the City and make this five member committee. We took that out of the new Charter, and that was a major mistake. The reason that I wanted to speak tonight is I'm the only person on the Charter Commission the last time that was a former Mayor. It's quite a coincidence. I'm the only former Mayor of the City on the Charter



Commission this time, and we kind of get this revisionist type of thing that we had discussed and what we brought forward and what we had wanted, and one person voted against it, the former Mayor of Manchester on the last Commission, and I hope that the former Mayor of Manchester won't vote against the Charter this time when it goes before the citizens. I have the same concerns as Alderman Wihby and even Alderman Cashin for gosh sakes, so what I want to bring to you tonight is because of the paper, the Hippo Press, it mentions that the city's gone broke. How the city spent itself into crisis, and this crisis caused a brand new Charter Commission because there was a very small minority of citizens in the city of Manchester that petitioned to have another Charter to be reviewed. These people are quite concerned about the taxing and spending of the City of Manchester, and I had said six years ago that this Charter was going to cost us an awful lot more money, and I have been proven correct in that assumption. So it was really interesting tonight to have the former Mayors and the Aldermen come before us and talk about the structure of government itself. You know, we got a lot of verbiage in these Charters that have no bearing on, you know, who's responsible, who should do what. People came before us tonight, and we should have more as to retirements. We should have more as to pay, and the Mayor should get more money and everything, and what we really are looking for is the structure of government itself, so I gave you tonight, printed in red here because it's taxes a historical perspective of what the taxes have been raised and how this answer has gone up over time. Of course, everything goes up over time, everything, but not in the proportion that we have on this chart that I've prepared for you, and so those citizens, those few citizens as Mr. Cook would say, those few citizens who petitioned and got this whole mess going a second time, you know, they're the ones that really need to be heard, okay. The only way that you're going to do the job correctly, in my opinion, is to listen to what the former Mayors, some of the current Aldermen and former Aldermen might have spoken about tonight. I think it is critical that we look at how we form this government in order to control its appetite to kind of eat all of the economic good that people might have in their own pockets. So, basically I thank you very much for listening to me as a former Mayor, and we'll be debating all of these issues over the time, and you can be sure, I will have my input, and hopefully, you will have my vote. Thank you very much.

Commissioner Cook stated oh yeah, I gotta ask that question. I gotta ask that question because I promised to ask it of all former Mayors. How do you feel about the Mayor as Chairman of the School Board?

Mayor Shaw responded it is definitely the most vital function that the Mayor does in the City of Manchester. More than 50 percent of the money is spent. It's a major, major task, and I would fight any change at all to not have the Mayor be Chairman in all of the ramifications that the word Chairman means.

There being no one else present wishing to speak, on motion of Commissioner Soucy, duly seconded by Commissioner Duffy, it was voted to take all comments under advisement and further to receive and file any written documentation presented.

Chairman Dykstra addressed Item 6 of the agenda, advising that the Commission shall now proceed with a working session on the Charter.

Chairman Dykstra stated it is now ten minutes to eight.

Commissioner Shaw stated I move we adjourn.

Commissioner Cook stated second.

Commission Soucy stated second. I have to leave anyway.

Chairman Dykstra stated I think we should basically...we do have on our schedule that there would be a meeting. If there are some people that have leave, then so be it. Right now with the majority...we'll take...is the majority of people willing to stay...

Commissioner Cook interjected there's a motion on the floor to adjourn, Madame Chair.

Commissioner Shaw stated and it had been seconded.

Chairman Dykstra responded yes. I'm not accepting it, the motion to adjourn.

Commissioner Hirschmann stated she didn't recognize your motion.

Chairman Dykstra stated is that in order. That is my privilege. Right now, we are supposed to be...it's on the agenda that we were supposed to have a working session on the Charter, okay, and I would like in fairness to take a vote as to whether you want to continue or not. If you don't, then the majority rules.

Commissioner Hirschmann stated I'd like to comment, Mrs. Chairman.

Chairman Dykstra responded certainly.

Commissioner Hirschmann stated we've accommodated members of this body to meet at 5 p.m. We haven't dug into this Charter, and we'd like to start. The only other way is to hold the meetings at 2 p.m., and that wasn't palatable to the people that...you know, we're trying to work here. We've got to get this done. The time

line is tighter than I even imagined. It's already the end of January. I'm not willing to recess, and go into February. I mean, this is ridiculous.

Chairman Dykstra stated I know it's getting late, and if it's ten minutes of eight. If you could work at least 40 minutes on it, you know, till 8:30, cause we are getting tired. We're going to have a meeting on the 29<sup>th</sup> which is just going to be a hearing. That's a meeting I'll be honest with you I will not be at because I'll be celebrating my grandson's tenth birthday. Commissioner Shaw will be running that meeting. On the fifth, we have a meeting set up which is going to be a hard working meeting, but we also have time set aside there for Kevin Clougherty to speak so, I mean, we do have to do something tonight. We all agreed last time, we would do this, so I'm going to ask for a vote or a motion to basically continue with this meeting at least till 8:30. Yes, Commissioner Shaw.

Commissioner Shaw stated a motion to adjourn is supposed to be non-debatable, but let me ask a question here. How did we come about to have all of these people be able to come to public hearings and everything, and allow Mr. Clougherty the opportunity to kind of...I thought it was a snub on the rest of us. You might not agree on that, but I thought it was a snub that he didn't come prepared to testify. He came prepared to ask his own special private meeting, and that's personally what got us in trouble on the last Charter. Okay, private meetings...so I don't understand this. I mean, he should have been told last week when he came, "Speak."

Chairman Dykstra stated we did discuss it, and the majority of the Commission...

Commissioner Shaw stated we didn't take a vote on his coming back.

Chairman Dykstra stated that can be discussed. We've already invited him.

Commissioner Shaw stated you say he's coming back next meeting or something.

Chairman Dykstra responded he doesn't have to...you know, we can start it earlier...I don't know. That's the way it's set up. Right now, I'd like to know if this Commission would like to work on this Charter.

Commissioner Hirschmann moved that the Commission work on the Charter.

Commissioner Shaw stated I'll withdraw my motion to leave. I'll withdraw my motion for that because you can't have two motions on the floor.

Chairman Dykstra responded I didn't accept that motion. I mean, we have it on the agenda...

Commissioner Shaw stated well, once you debated it, you did accept it.

Chairman Dykstra stated if no one wants to work tonight...

Commissioner Hirschmann stated it was seconded here.

Chairman Dykstra stated that she had a second from Commissioner Wihby. She restated the motion from Commissioner Hirschmann, duly seconded by Commissioner Wihby, of staying at least until 8:30 to get something out of this Charter. That is 40 minutes.

Chairman Dykstra called for a vote on the motion. The motion carried with Commissioners Cook, Soucy, Duffy, and Tessier duly recorded in opposition.

Chairman Dykstra stated the motion carries anyways. We're going to discuss this, and we're going to do what we have to do, work on this Charter. Right now, we do have before us some of the items we all discussed at the last meeting, that the Clerk's office was so gracious to put together for us, items flagged for discussion. Do we all have this in front of us? Okay, now we don't have to take things in order. I mean, these are things that we've discussed, things we've talked about. We all said that we wanted to hear input. We've heard a lot of input. Commissioner Shaw.

Commissioner Shaw moved that the number of Aldermen in the new Charter be nine.

Commissioner Cook seconded the motion.

Commissioner Cook stated the reason I seconded it is I wanted to hear discussion on the rationale.

Chairman Dykstra stated he's not discussing it. I can't make people discuss.

Commissioner Cook responded well, I can discuss it if he doesn't want to discuss it. I seconded the motion. I think the number...do you want to discuss it Bob? If you do, I defer to you.

Commissioner Shaw stated go ahead first and could I be second.

Commissioner Cook stated we have heard a lot of discussion on the number of Aldermen, how many it should be. Presently it's 14. Under the old Charter and Charters before that, it was 12. One Charter, several Charters ago, it was 14, cause there were 14 wards of the City. I think the point on Aldermen is not the number.

I think the point on Aldermen is whether they're all going to be elected from wards. We've heard testimony that's all over the place on that. We've heard testimony that At Large are good. We've heard testimony that At Large are bad. My position on At Large is it probably hasn't been tried long enough, and there ought to be more of them because the rationale was for At Large, we'd try it. That's why we added two to the 12. There was nothing magic about 14. I don't think anybody on the old Charter Commission thought more Aldermen was better than less, than fewer. So, the real issue is what's the function of Aldermen because we've heard two divergent theories. We've heard constituent service, and we've heard Board of Directors. My suspicion is it's both, and the reason I seconded Mayor Shaw's motion is to get the number of Aldermen question before us because my preference would be ten or 12, half and half. The other alternatives are 14—leave it the way it is; 12 just from wards the way they are; or a fewer number which would put more responsibility geographically if they were wards on the Aldermen. If it was nine, each one would have, I can't do the math, but they'd have I guess a quarter more constituents to serve. I think those are the components. I think At Large is a good idea. I don't think Western democracy is going to rise or fall on whether we have At Large Aldermen, but I think those are the components that we should be debating, and we shouldn't make a rush to judgement on the question until we've talked about those elements.

Commissioner Shaw stated first of all, I thought that Mayor Wieczorek's comments were the best on that particular subject in that he said we don't have a whole bunch of mini-Mayors, so I thought that was very good. And then we got to Alderman Shea's remarks, and I was concerned about an aspect of it, and we had tried...I'm going back revisionist here, in the last Charter to think what an Alderman should be doing, and Alderman Shea has been keeping track of how many phone calls or contacts he's had. And I think he's 2800 in his seven years. That would be about 400 per year, one per day, but what bothered me the most is the aspect that constituent service is the most important job that the Aldermen do, and I don't think that is the most important job that they do. I had once said that the Aldermen in this city were paid more than a hundred dollars an hour, and they questioned that. In fact, I advertised for people to work for a hundred dollars an hour. The rationale being, they didn't know their job, all right. They count getting the rubbish picked up in front of your house as a benefit when easily the City of Manchester could have a certain person that you called who was the spokesperson for the Aldermen and adjudicated, you know, you didn't get your rubbish picked up, the school bus didn't arrive, or some such thing, so that these things could be done. And the reason that I went to nine is the fact that I did really want to reduce the Board to make them function more as a body that would be a Board of Directors, and that the reason the nine came up is that you can't eliminate too much from the West side. Say you want to eliminate three from the East side, you can't do that. You can't eliminate two from the West side, so by eliminating

two from the East side and one from the West side, the answer came up to nine. That's the rationale for nine. It's a fairness thing. You can just divide the West side into two wards, and the East side into six wards, and you could reduce the Board, and the Board would have more time to do the functions that you know I think the Charter Commission, even the last one, wanted them to do—to be a Board of Directors, not to see that you got a phone line. I mean if you serve on the Board of the phone company, you don't see that your friends and neighbors get a phone line. Okay, you see that the company is run right so that phone lines are available in an orderly fashion. So that's the rationale for my number nine. It's not meant to be any different, and I favor partisan elections incidentally.

Commissioner Hirschmann stated I would advocate against going to nine. I think the pendulum has swung a little bit, but not that far. I would advocate that the residents have their 12 polling places, their 12 wards. I don't want the citizens of Manchester to feel that they've lost something, that they have to go into another entire neighborhood to vote for a strange person that they don't know. This has happened with our State Representatives, and it made quite a story for the newspaper. I think on the local level, 12 wards works for the City Clerk. It's ingrained in our people. The only thing that was different was the At Large people crossed over these ward boundaries, and they don't necessarily have the responsibility of a ward Alderman. A ward Alderman would answer their phone for the guy that lives down the street because something didn't happen, and he paid his tax bill, and he wants the hole or the trash...so I think that we have to think of the voters and the residents more than the amount of Aldermen. Those 12 wards really constitute what our City is. I would stay with that.

Commissioner Tessier stated my understanding was that this group, this Commission tonight would wait before we voted on these things because we have not heard from all of the Committees yet, I mean all of the groups. We've got the School Board coming in next week who also have At Large members, and I think their input is as important as the Aldermen, and we should hear what they have to say about At Large members too, so I would caution us to not move too fast on this until we gave them their opportunity to speak.

Commissioner Duffy stated I would concur with Commissioner Tessier in terms of not having the opportunity of heard from us School District members etcetera. I do want to get a point of clarification, however, as far as Commissioner Shaw's comments. First of all, does that suggest that there are going to be a change in the ward structure by going to nine? Under your proposal of nine, would that change the...

Commission Shaw interjected you could still vote in the same thing, but you just vote...you still could have your 12 places to vote if you wish to have it. I think

the reason that we're staying till 8:30 tonight, Commissioner, is that we're supposed to be accomplishing something. If the intent of this extra 40 minutes is to just hear ourselves continue to talk and talk and talk and not do anything, then my first motion tonight of adjourning which I thought that was your point...what was going to happen. We'd get down to a point where we weren't going to do nothing, so...Hearing from the School Board about whether they want 14 members on their Board is probably a moot point at this stage of the game, I think. I think they're going to get 12 or less, you know, and I think we might as well shake them up over there, and say, "It's decided." In fact, I thought we had decided it was 12.

Chairman Dykstra stated we decided we would be voting on a few things this evening to move things along. It certainly is appropriate.

Commissioner Duffy stated I had a follow-up. However, I do agree with one point that you made toward the end of your comments, and that was with respect to dealing with a question of partisan elections. I think that's a matter that we could talk about without having to concern ourselves about getting additional input. I think that's something that we could move forward on so that the Commission feels as though something's been accomplished tonight.

Chairman Dykstra stated we're discussing the motion of nine Aldermen, not partisan elections. After that, we're going to vote on that.

Commissioner Shaw stated we don't have to have a vote yet because I think we should answer Commissioner Duffy's concern, and the proper point at this thing is that, which is an accepted motion is that somebody who doesn't believe that my motion should be discussed tonight and voted on would kind of move to table it, and therefore getting a second and moving on. You see, that is a method of, you know, delaying the vote or whatever, whatever you wish because otherwise the question should be...

Chairman Dykstra interjected you know, anything can happen. I mean, you can vote that motion up or down. Then another motion can be made for another amount. There is a motion on the floor for nine Aldermen. That's the motion. We had a second. We've had discussion.

Commissioner Cook stated the discussion I don't believe is closed because I had another point to make on something that Commissioner Shaw said. Before, I think, we can decide the structural question because I think the most important part of what Commissioner Shaw said and the point that I think is paramount is what's the job of an Alderman. If the job of an Alderman is to be the representative of a certain number of people and get them the most advocacy in

City government, which is not my view what an Alderman should be doing...an Alderman should only get involved in that, and I think the position we took the last time was if you call the Highway Department, and nothing happens, you should be required to go to the administrative agency that exists because that's the way the government is supposed to work. That's one of the principles that was put in the Charter. Nobody should be in the way. You shouldn't have 14, 12, nine, whatever it is mini-Mayors or mini-Highway Commissioners because the City is supposed to be run by departments. If, I think what we said the last time was, if you call your Highway Department, and nothing happens and then you call your Alderman because nothing happened when you called the Highway Department and you need an advocate because you have a representative, then the Alderman can get involved, but not the ingrained system that we have is if I want something to happen in City government, I call the Alderman, not the Highway Department. That's backwards. If we decide that, in fact we think the Alderman's job is to be the ombudsman for a certain number of people, then maybe we should have 50 of them. But if we decide that we ought to force the government to work, and only have the Aldermen come in if it doesn't work, then I think we've decided what we think the role is. That would effect how many of those people we think there ought to be.

Chairman Dykstra stated we're going to have Commissioner Shaw address it. We'll have to move this question.

Commissioner Shaw stated no; we haven't closed debate yet, have we? No, I'm going to move the question because I think we should be debating. What I want to bring to the Commission's attention is this. Mr. Lopez said it in his, and this is going to be a wonderful...

[The fire alarm sounded. The Commissioners left the Chambers and returned several minutes later to continue their discussion].

Commissioner Shaw stated I was making a point about Alderman Lopez's remarks in that, I'm sure it was he that had made it, that the parks couldn't be...in other words, you couldn't get the money to do a single job because the money had to be spread out over 14 Aldermen, so that each had their own agenda. I knew that way back in 1984 when the streets of the City of Manchester would be paved, and each Alderman had a share of the budget, so nothing really got done. No streets were ever connected together and no long-range plan. So that's another reason that I went to nine. The less Aldermen you have, the more the money can be divided by a smaller answer.



Commissioner Wihby stated I will repeat what Commissioner Hirschmann said earlier and agree that 12 polling places works better and has less constituents per Alderman which is I believe the goal.

Commissioner Hirschmann moved the question.

Deputy Clerk Johnson restated the motion, to have nine Aldermen.

Chairman Dykstra called for a vote. The motion failed.

Commissioner Hirschmann stated that seeing how we're working from the groundwork of the 1983 Charter as we all agreed, and that Charter has 12 Aldermen, and I served under that system and it worked very well. The constituency of the City was well served.

Commissioner Hirschmann moved 12 Aldermen for our future Charter.

Chairman Dykstra asked are we just going to stay with the Aldermen and not the School Board at this time.

Commissioner Hirschmann responded it's not fair to the School Committee. We are not voting on them.

Commissioner Wihby seconded the motion.

There being no further discussion, Chairman Dykstra called for a vote.

Commissioner Hirschmann asked for a roll call.

Commissioners Hirschmann, Wihby, Pepino, Shaw, and Dykstra voted in favor. Commissioners Tessier, Duffy, and Cook were recorded in opposition. Commissioner Soucy was absent. The motion carried.

Commissioner Hirschmann stated that seeing how Commissioner Duffy brought up partisan elections, I think it would be a good time to do that.

Commissioner Hirschmann moved that we revert back to partisan elections.

Commissioner Hirschmann stated that system worked very under the previous Charter.

Commissioner Duffy seconded the motion, for purposes of discussion.

Commissioner Shaw stated I hope that he's talking about Aldermen because I didn't see that in his wording, partisan elections for Aldermen.

Chairman Dykstra stated for all the elected officials.

Commissioner Hirschmann stated for all City officials.

Commissioner Cook stated it's illegal for School Board

Commissioner Hirschmann stated we know that.

Chairman Dykstra stated we know that, for all that's legal.

Commissioner Shaw stated I didn't even know that. It's illegal?

Chairman Dykstra explained it reverts back to the way it was. You know, the School Board by law basically has to be non-partisan.

Commissioner Cook stated my understanding of the motion just to clarify it is that pending a decision on what elected officials are going to be, cause there's at least going to be a debate on the Welfare Commissioner I'm sure, that the officials you're talking about are Mayor, Aldermen, Welfare Commissioner. Then do we elect our, I'm just trying to remember...I'm just trying to find out who are included in the motion?

Deputy Clerk Johnson clarified that under the motion it says for all elected officials but school. So that would include your election officials at the polling places, ward clerks, selectmen, and moderators.

Commissioner Cook stated let me speak to the issue. There is a difference between partisan politics and partisan elections. We have had testimony that I think is relevant. You're never going to take the parties...that the parties are involved in these elections whether they're non-partisan or not and in fact, we know who the Republicans and the Democrats are. That is true, as someone who got caught in that ringer when I was a non-partisan elected official and got campaigned against by the party that I don't have to be a member of, and they did very well in that election. I thought that was at least ironic, but the reason for the non-partisan elections are there is no municipality in New Hampshire at the present time—none, not a few, not a couple, none—that have partisan elections for their local officials. Zero. Towns cannot, and cities don't. There are a lot of ramifications that should be relevant and considered when you make this decision. You're not going to take politics out of politics. You're not going to take partisanship out of politics. Nobody advocates that, but you take independents

who are not members of the Republican Party or the Democratic Party, and you make them run as independents if they're running. You don't give them equal weight in voting in primaries, without declaring their party because they want to vote in a primary for their ward Alderman. You take these elections from a position where they are presently outside of the Hatch Act for federal employees--you heard testimony on this—which affects one sitting Alderman at the present time, not that we're going to vote for or against this because of a sitting Alderman. And you take a huge number of employees, and you make them ineligible to run and serve in any capacity if you make these partisan, and there are a lot of federal employees covered by the Hatch Act. You put people in a different situation. If the people of Manchester's top two choices for Welfare Commissioner both happen to be Republican, you're not going to allow their top two choices to be nominated under this system because somebody's going to win the Republican primary. If their top two choices, as happened the last time in Nashua, for Mayor happen to be Republicans, you're not going to let them vote for their top two choices by making it partisan. And if the concern is, and I've heard this many, many times by people who I think confuse the principles of party partisan support and electioneering, if you're confusing that which is not in Manchester, in my judgement, ever going to go away, cause we have very active involved parties, if you're confusing that with how we select our officials and who we let be involved and be elected on the local level to participate, then I think it takes more than a rush to judgement because it's a very complicated question, and I think there's a reason why we're the only place that considers this, and nobody else has it.

Commissioner Shaw stated well, I know that you must have attended the first speech by Mayor Baines. I think it was over at the Institute of Art, and he was quite proud of the fact that we had non-partisan elections and that, you know, he was really our first candidate to be that way. And I think it was the next speech where he became a Democrat, and the Governor got involved in our races, okay, and the Republican Party got involved in the other races, and the Democrats got involved, and now we're going way down to School Board members to where they actually published. Unless in the Charter, and we could amend his motion, is that we move Joe Kelly Levasseur and Raymond Buckley out of the City, partisan elections will always be here. Okay, they get up in the morning, and it doesn't matter to them at all, so it will not produce better government to have non-partisan elections. It will not produce better government to have partisan elections, but based over the last seven years or six years, I'll tell you that it's a mess. It's a mess. It's a mess, and the citizens want it back, Brad. It doesn't matter what you want or I want. They want it back.

Commissioner Hirschmann stated the City Clerk who is also an officer of the City under your Charter has advocated for a runoff if you stay non-partisan. So you're not even going to have primaries, so your theory of primary status is flawed. I'm

saying we have primaries, and we have parties, and we partisan elections. The city survived under that way for a long time, and I think it would be very successful to go back to the way we did it. That's it, and I'd like to move to the question.

Commissioner Tessier stated I had my hand up before you moved the question. I assume this is a moot point, just knowing how the vote's going to go before we even take vote here, but I would like to speak in behalf of the ward clerks and the people who work in the wards that they...that be a non-partisan election. There's a lot of Independents, and there's a lot of people who work in the wards, and there's no need to make that piece a partisan election, and I'd like to see if the motion could be made to remove those people from a partisan election.

Commissioner Hirschmann responded if you took a list of all your selectmen and ward clerks, almost all of them are ward partisans. They are ward Democratic Chairs, Ward Vice Chairs, Ward Secretaries, and everyone here knows that, so I think that theory is flawed also.

Chairman Dykstra stated that just to remind you too that by doing this, we're just reverting back to the old Charter that we were working with, so everything remains the same.

Commissioner Hirschmann moved the question and called for a roll call.

Commissioners Hirschmann, Wihby, Pepino, Shaw, Duffy, and Dykstra voted in favor. Commissioners Tessier and Cook were recorded in opposition. Commissioner Soucy was absent. The motion carried.

Chairman Dykstra stated that right now it is 8:30. We've got two things that we've accomplished. We have accomplished that we want to have 12 Aldermen. We have accomplished that they're going to be partisan elections. There's going to be a hearing next week. We haven't decided anything on the School Board, till we give a courtesy of the School Board to make its comments. As I mentioned before, that meeting will be headed up by our Vice-Chairman, Commissioner Shaw. That will be a long hearing. It will just be a hearing. We are going to have a working session, as I said before, on February 5<sup>th</sup>. Kevin Clougherty will be there for a while, but then we should get a lot of work done on what we need to do. We do have a whole list of the items, items that are flagged for discussion. We've addressed a few. We still have not addressed the term for the Aldermen, whether you want the two or the four-year terms. There's a lot of other things that we need to address that you have here, so maybe we can get into them on the 5<sup>th</sup>, and if there's anything else for the good of the Commission that you want to just bring forth right now...

Commissioner Cook noted one question. Reference has been made, and I was talking to Mr. Vaillancourt this week about materials we had for the old Charter, about the RSA that controls what has to be in or not in Charters. If you recall, those of you who were on the Charter the last time, and I don't think we have to do this, but we had the Municipal Association come down, an expert from the Municipal Association to just say, "Here's what's in the State law, and here's what has to be and not in Charters." If we could just be provided with those portions of the law on what has to be, the three components. There are mandatory sections, there are permissive sections, and then there are sections that are just left to the local area. If we could get copies of that law as we've gotten copies of the other law, I think it would be helpful.

Chairman Dykstra asked didn't we have someone come down and speak to us.

Commissioner Cook responded we had John Andrews, the head of the Municipal Association come.

Chairman Dykstra stated we're going to be probably having working sessions every week.

Commissioner Cook responded if you want to invite him, that's fine.

Chairman Dykstra asked what does the Commission feel about having someone from the Municipal Association.

Commissioner Shaw stated I'm opposed. We've heard enough.

Chairman Dykstra stated maybe they can submit something in writing.

Commissioner Cook stated if we just get the law, was all I was asking for.

Commissioner Hirschmann stated I just wanted to address the committee with a closing comment. In speaking with Alderman Wihby, I forgot to bring it up tonight but in speaking with him, he has been speaking with Secretary Gardner, and Secretary Gardner is of the legal opinion that we can have our Charter vote on the September primary, and that will be in writing to this committee.

Deputy Clerk Johnson noted that the issue of the question of the laws was raised. My suggestion might be that we have the listing from the last time. We can work with the solicitor's office and perhaps put together a similar listing rather than taking time of having a speaker come in.

Chairman Dykstra stated as long as we have that by the 5<sup>th</sup>.

Deputy Clerk Johnson stated we'll have our researcher and our legal department work together.

There being no further business to come before the Commission, on motion of Commissioner Duffy, duly seconded by Commissioner Hirschmann, it was voted to adjourn.

Respectfully submitted,

Deputy City Clerk

Approved for Commission: \_\_\_\_\_  
Donna M. Soucy, Secretary